

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Bell and Avril MacKenzie.

Town House,
ABERDEEN 23 June 2020

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting on TUESDAY, 30 JUNE 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - GAVIN EVANS

- 2.1 **90 Polwarth Road - Formation of Driveway - 191406/DPP (Pages 7 - 22)**
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 23 - 54)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191406.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 55 - 56)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 57 - 62)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191406.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 **189 Bon Accord Street - Formation of Dormer to Rear and Installation of Roof Lights to Front - 200068/DPP (Pages 63 - 82)**
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 83 - 98)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200068.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 99 - 100)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 101 - 114)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200068.

3.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

4.1 **39 Craigton Terrace - Formation of Dormers and Balcony with Deck Area to Rear (Retrospective) - 191756/DPP (Pages 115 - 138)**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 139 - 170)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191756.

4.3 Planning Policies Referred to in Documents Submitted (Pages 171 - 172)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 173 - 204)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191756.

4.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision. The Committee clerk will confirm these reasons with the LRB, at the end of each case, in recognition that these will require to be intimated and publicised in full accordance with the regulations.

LOCAL REVIEW BODY



191406/DPP– Review against refusal of planning permission
for:

“Formation of driveway”

at: 90 Polwarth Road, Aberdeen

Location Plan



Aerial Photo



Street View (Oct 2015)



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Google

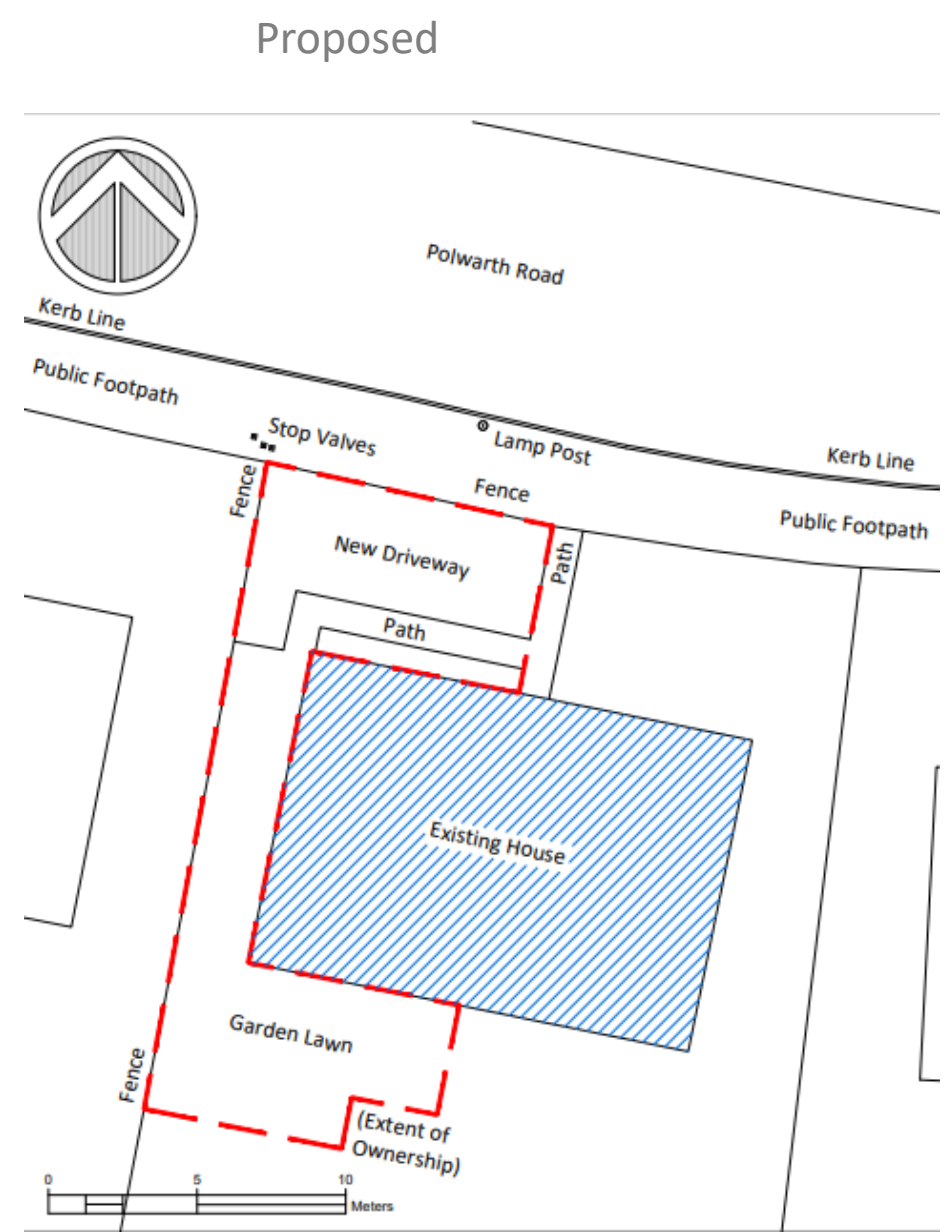
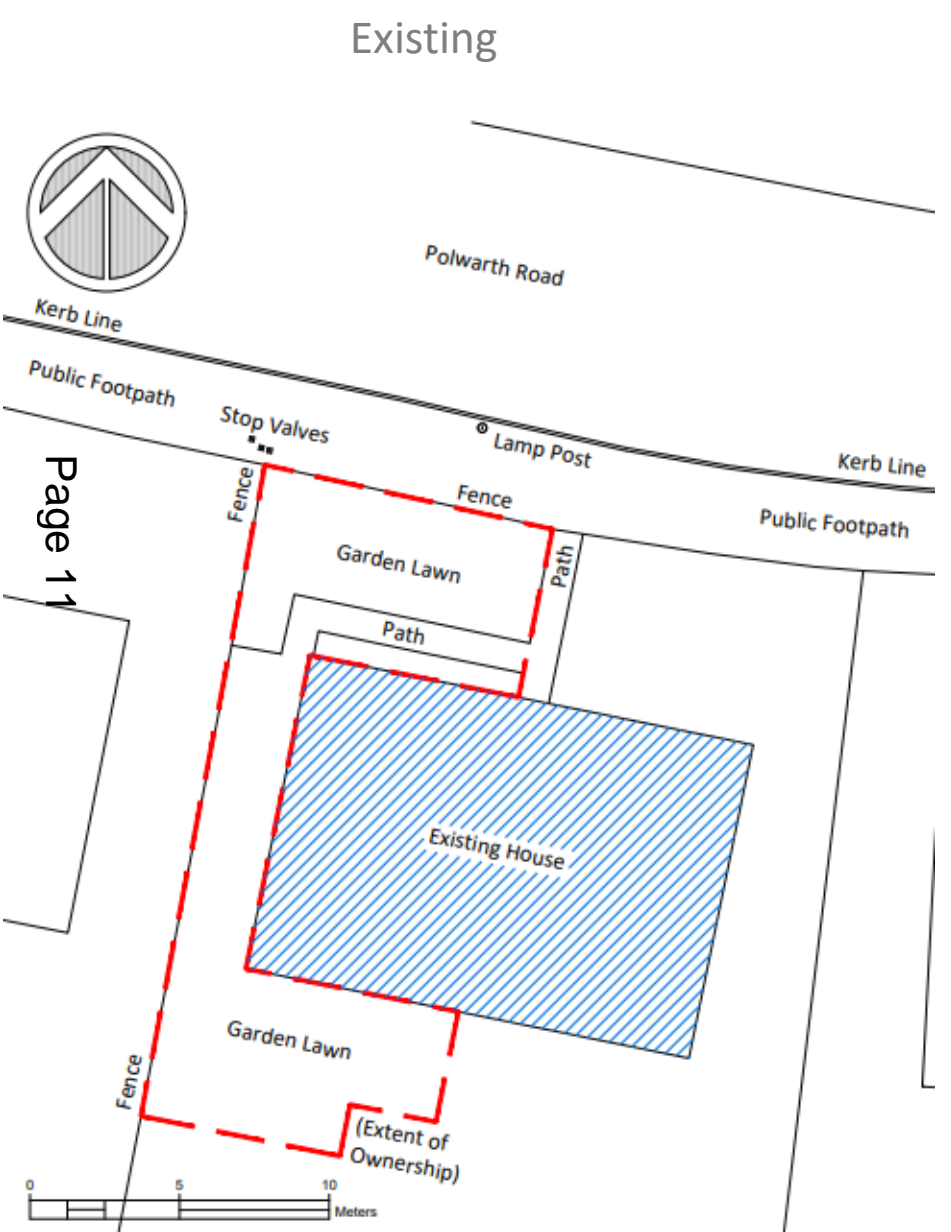
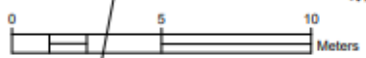
Site Plan

Existing

Proposed



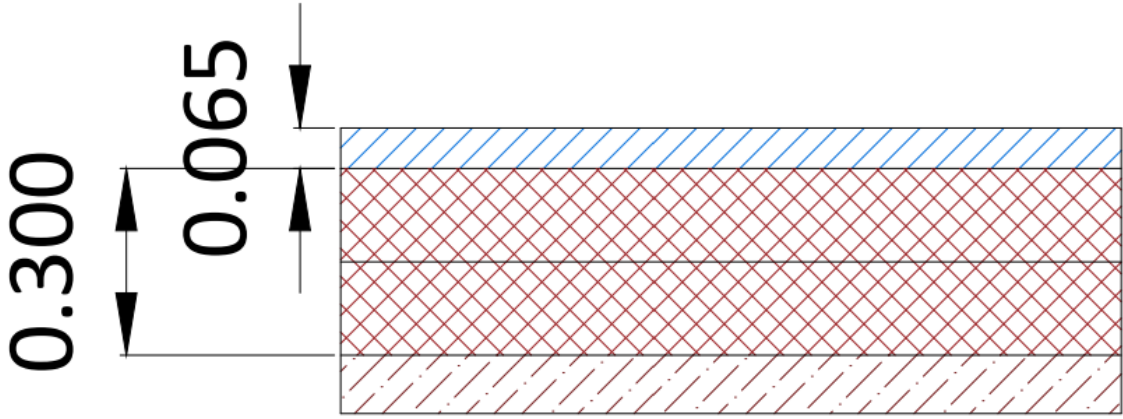
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Site Plan as proposed (detailed)



Construction detail



65mm bitmac or equal and approved
all sealed with sealing grit

300mm type 1 sub base compacted in
2 layers of 150mm

Original formation sub strata

Reasons for Decision

- **Road safety:** driveway of insufficient depth to allow for parking at right-angle to the road without vehicles overhanging the pavement, contrary to requirements of Transport and Accessibility SG. If vehicles parked parallel to the road, visibility would not be adequate on exiting driveway.
- **Amenity:** Removal of front garden and loss of enclosure would be detrimental to character and visual amenity of surrounding area, in conflict with policies D1 (Quality Placemaking by Design) and H1 (Residential Areas)
- **Loss of on-street parking:** Proposal result in loss of up to 3 public on-street spaces. Decision notice highlights lack of off-street parking for 4-in-a-block properties on south side of Polwarth Road (and consequent reliance on on-street spaces), and identifies conflict with Transport and Accessibility SG.
- **Precedent:** Highlights potential cumulative effect of similar proposals in terms of impact on pedestrian safety, removal of on-street spaces in an area of high demand and visual/amenity impact arising from loss of front gardens.

Examples cited by applicant



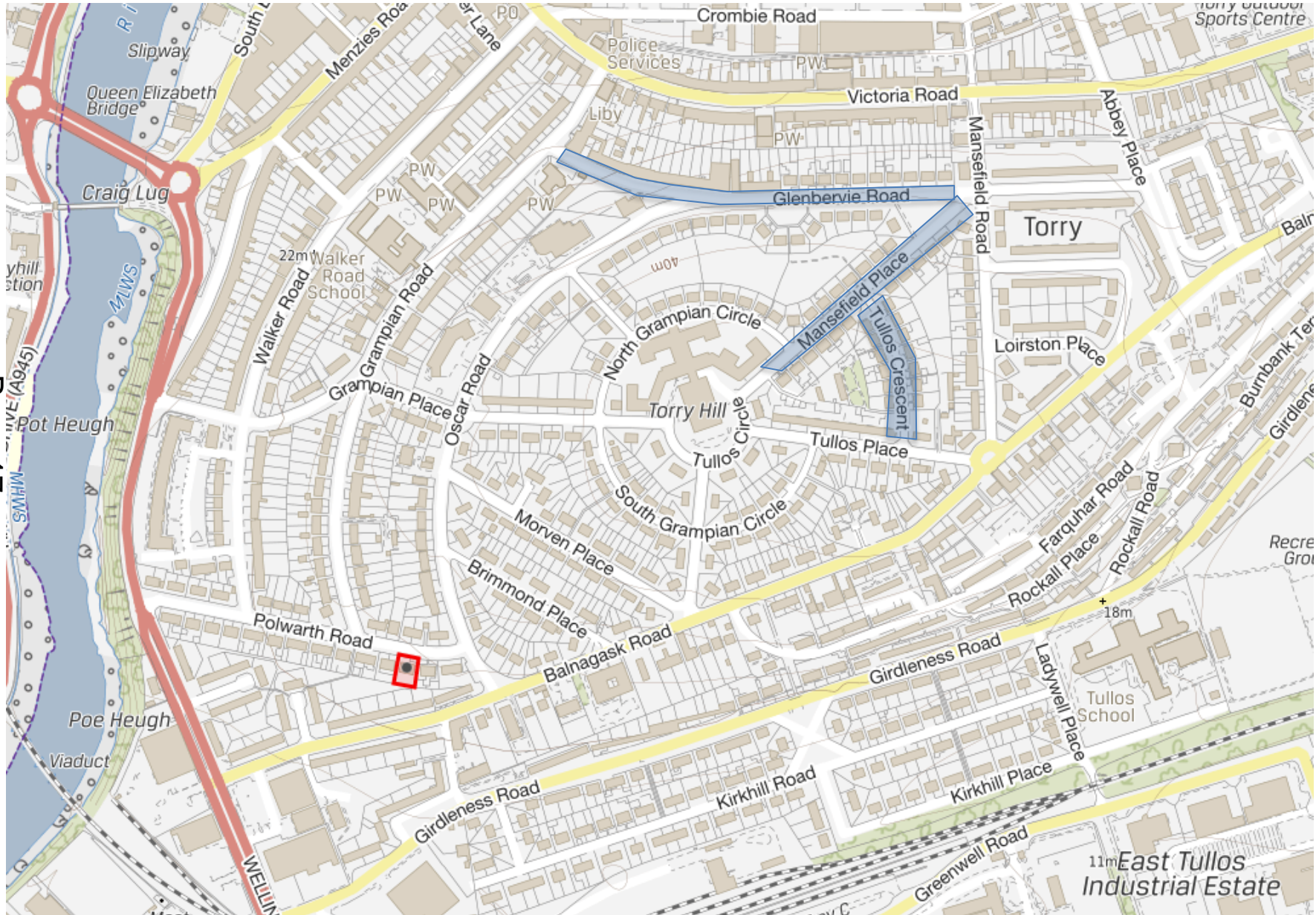
Examples cited by applicant



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Examples cited by applicant: Locations



11m East Tullos Industrial Estate

Policy H1 (Residential Areas)

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

Transport and Accessibility Guidance

- “Where the creation of a driveway with one parking space will lead to the loss of an on-street parking space driveway permission will not generally be granted due to the loss of amenity space for all residents on the street.”
- “Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property.”

“Consent will not normally be granted for parking in garden areas in front of tenement flats.”

- *“tenement” means a building or a part of a building which comprises two related flats which, or more than two such flats at least two of which—*
 - *(a) are, or are designed to be, in separate ownership; and*
 - *(b) are divided from each other horizontally,*

Tenements (Scotland) Act 2004

- Driveways should be min. 15m from a junction (10m acceptable in some instances)
- Should be of min. 6m length and 3m width
- Should be internally drained – not discharging water to road

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Does it accord with the criteria set out for new driveways in the 'Transport and Accessibility' Supplementary Guidance?

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh in favour of approval or refusal?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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Strategic Place Planning

Report of Handling

Site Address:	90 Polwarth Road, Aberdeen, AB11 8DB,
Application Description:	Formation of driveway
Application Ref:	191406/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 September 2019
Applicant:	Mrs Marion Fraser
Ward:	Torry/Ferryhill
Community Council:	Torry
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a ground floor flat within a two storey four-in-a-block property and its front and rear curtilage in a residential area. The property has a northeast facing principal elevation that fronts Polwarth Road. None of the properties of the four-in-a-block properties to the southwest of a Polwarth Road have driveways and therefore all only have on-street parking provision. Polwarth Road is not within a Controlled Parking Zone. A streetlight is located on the footway to the northeast of the site.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the formation of a tarmac driveway in the front curtilage of the property. The driveway would be c.3.9m in length and c.9.8m in width. There would be a channel drain between the driveway and the footway.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PXPXS6BZ02K00>

CONSULTATIONS

Roads Development Management – Recommend refusal – The proposed driveway is less than 5m in length. The Roads Authority does not allow for such a driveway to be installed as parked vehicles will overhang the footway and this could result in a road safety hazard to pedestrians, especially children or those with a disability. Whilst there are some properties which have a driveway of length less than 5m, these are historical and should not be compared with newly constructed driveways.

Torry Community Council – No response received.

REPRESENTATIONS

4 representations, all objections, have been received. The matters raised can be summarised as follows –

- Concerns with respect to public safety. Due to Polwarth Road being used as a ‘rat run’, a driveway would pose a safety concern. The street is populated and there are several small children in the area, which would be at risk when vehicles would cross the footway. There is limited manoeuvre space, which would be a concern for neighbouring vehicle owners. There have already been accidents recently and this could result in the problem on the footways.
- The proposal would reduce public parking spaces on a street where there is limited parking provision.
- Boundary enclosures are an important part of streetscapes and this proposal would set a poor precedent in the surrounding area.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Guidance

Designing Streets

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region’s built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP) (2017)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Supplementary Guidance (SG)

Transport and Accessibility

EVALUATION

Aberdeen City and Shire Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with the Supplementary Guidance, in this case 'Transport and Accessibility' (SG). These issues are assessed in the below evaluation.

Public and Road Safety

The SG states that *'driveways must be positioned to enable the required visibility, including pedestrian visibility, to be achieved in accordance with National Standards (Designing Streets and DMRB). A driveway should meet the public road at right angles and a vehicle should be able to enter and exit the driveway at right angles to the road so that a driver can see clearly in both directions without having to turn round excessively. Driveways which do not meet the minimum requirements for visibility will be refused.'*

The proposed driveway would conflict with the 'Transport and Accessibility' SG in that it would have a length of c.4m, which is significantly less than the 5m required by the SG. The driveway would therefore not be of an adequate length to facilitate cars parked at a right angle to the road without the cars overhanging the footway. This would be a significant road safety hazard for pedestrians using the footway, particularly to those with a disability and children.

If, instead, the car was parked parallel to the road, the driver would not be able to see clearly in both directions without having to turn round excessively. The lack of visibility between the driver, pedestrians and other vehicles would be to the detriment of road safety. Additional risk to pedestrians would arise from parallel parking because the vehicle would need to drive along an excessively greater length of footway to parallel park on the driveway than if it were to meet the driveway at a right angle.

It is recognised that the driveway would partially comply with the specifications for driveway design in 'Transport and Accessibility' in that it would be more than 15m from a junction; the gradient would not exceed 1:20; and it would not have loose chippings on the closest 2m to the footway. However, Roads Development Management have recommended that this application be refused because of its length, as vehicles would overhang the footway and this would be a road safety hazard, notably to children and those with a disability. The Planning Authority concurs with this position and also considers that there would be significant risks if vehicles would park on this driveway parallel to the road. The proposed driveway would have a significant adverse impact to public safety in the surrounding area.

Loss of On-Street Parking Provision

The proposal would conflict with the 'Transport and Accessibility' SG in that it would lead to the loss of on-street parking provision, which would be to the detriment of all other residents on the street, and it would result in the remaining owners of the four-in-a-block not being able to park in the street adjacent to their property.

As none of the properties to the southwest of Polwarth Road have off-street parking provision, each property relies on on-street parking provision on Polwarth Road. The proposal would result in the loss of up to approximately 3 on-street public parking spaces (if the vehicle was parallel parked). If vehicles were parked at a right angle, the proposal would result in the creation of 2 private off-street spaces at the expense of the loss of 2 on-street public parking spaces. This would be significantly detrimental to the amenity afforded to the adjacent properties as it would not be possible to park adjacent to the four-in-a-block. It would reduce the overall supply of parking provision on a street where there is a high demand for on-street parking provision. The creation of the private driveway would be to the detriment to the residential amenity of the surrounding area due to the loss of public parking provision.

Impact to the Character and Amenity of Surrounding Area

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

All the flats to the south of Polwarth Road are predominantly clearly defined, soft landscaped, and none have driveways. This layout contributes positively to the character and visual amenity of the surrounding area. The proposed driveway would be a tarred surface that would cover the majority of the front curtilage of the property, and would result in the loss of the existing front boundary fence. Given the loss of the soft landscaped ground in the front curtilage and the front boundary treatment which contributes to the enclosure of the garden, the proposal would have a detrimental impact to the character and visual amenity of the street scene, in conflict with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan.

Precedent

There are no examples of driveways in the front curtilage of the four-in-a-block properties on Polwarth Road. There are no planning records of driveways to the south of Polwarth Road having been granted planning permission.

Notwithstanding each application must be decided on its own merits, the grant of planning permission in this application could set an unwelcome precedent for driveways in the surrounding area which are both unsafe and have a significantly detrimental impact to the character and visual amenity of the surrounding area. The repetition of multiple driveways to the front of the four-in-a-block buildings on Polwarth Road and in the wider area would be significantly detrimental to the character and visual amenity of the surrounding area; result in a significant impact to public safety; and significantly reduce the level of public on-street parking provision in the surrounding area.

Drainage

The SG states that *'a driveway should be internally drained with no surface water discharging on to the public road. This is to prevent any flooding on the road, which could cause ice to form in the winter.'* Notwithstanding a drainage grid is proposed in between the footway and the road, the proposed driveway would be impermeable and the exact details regarding where the water would drain from the drainage grid has not been specified for the purposes of assessment against the SG.

Matters Raised in the Letters of Representation

The matters raised relating to public safety, the impact to the character of the surrounding area, the loss of public parking spaces and negative precedent have been satisfactorily addressed in the above evaluation.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Road Safety

The proposed driveway would have a significant adverse impact to the level of public safety in the surrounding area. This is because if cars were parked at a right angle to the road, the driveway would not be of an adequate length to prevent vehicles overhanging the footway, which would be detrimental to pedestrian safety, particularly to children and those with a disability. The approximate 3.9m length of the driveway would conflict with the Supplementary Guidance: 'Transport and Accessibility' as it would be less than 5m. If cars were parked parallel to the road, there would not be an adequate level of visibility between vehicles exiting the driveway, pedestrians on the footway and other vehicles, which would also be to the detriment of public safety.

Amenity

The proposed driveway would result in the removal of a significant area of the front garden of the property and loss of enclosure, which would be detrimental to the character and visual amenity of the surrounding area, in conflict with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan.

Loss of Public Parking Provision

The proposal would result in the loss of up to approximately 3 public on-street parking spaces (if a vehicle on the driveway was parallel parked). Given none of the four-in-a-block properties to the south of Polwarth Road have off-street parking provision, the loss of these spaces would decrease the supply of on-street parking provision for a street with a high demand for such. It would result in the neighbouring properties in the block not being able to park adjacent to their property, in conflict with the Supplementary Guidance: 'Transport and Accessibility'. This would be detrimental to the level of amenity afforded to the surrounding area.

Precedent

The proposed driveway would be likely to set an unwelcome precedent for similar driveways which cumulatively would significantly adversely affect public safety; result in the further reduction of on-street parking provision on a street where there is a high demand for it; and result in the loss of soft landscaped front curtilage in the front of the four-in-a-block properties on Polwarth Road, which would be significantly detrimental to the character and the visual amenity of the surrounding area.

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191406/DPP

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	MARION	Forename	
Surname	FRASER	Surname	
Company Name		Company Name	
Building No./Name	90	Building No./Name	
Address Line 1	POLWARTH ROAD	Address Line 1	
Address Line 2	TORRY	Address Line 2	
Town/City	ABERDEEN	Town/City	
Postcode	AB11 8DB	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Address or Location of Proposed Development (please include postcode)			
90 POLWARTH ROAD TORRY ABERDEEN AB11 8DB			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
DRIVEWAY			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input type="text"/>	Date completed:	<input type="text"/>

If yes, please explain why work has already taken place in advance of making this application.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

TALKED OVER THE PHONE AND EMAIL —
HE GAVE ME ADVICE ON HOW TO APPLY AND WHAT
WAS REQUIRED AND SAID TO GIVE AS MUCH
INFORMATION AS POSSIBLE.

6. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature: [REDACTED] Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself _____ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

12.9.19

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have _____ served notice on every person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have _____ served notice on every person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

(6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

(1) No person other than myself _____ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

or

(2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

(5) Notice of the application as set out below has been published and displayed by public notice

Signed:

On behalf of:

Date:

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants.

or

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are:

Name	Address	Date of Service of Notice

(3) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have _____ been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3] Council by

For planning permission to [Note 4]

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	
Date	

- *Delete where appropriate
- [Note 1] – Insert name and address of owner or agricultural tenants
- [Note 2] – Insert address or location of proposed development.
- [Note 3] – Insert name of planning authority.
- [Note 4] – Insert description of proposed development.
- [Note 5] - Insert planning authority address.

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

The Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013 (Regulation 15)

NOTES FOR GUIDANCE

Before applying for planning permission or planning permission in principle under regulations 9 to 11, applicants should notify all persons who (other than themselves), were the owners of any of the land to which the application relates, or were agricultural tenants at the beginning of the prescribed period (in effect 21 days ending with the date on which the application was submitted).

Notices to owners and agricultural tenants should be in the form set out in schedule 1 of the regulations and must include:

1. The name of the applicant
2. The address or location of the proposed development
3. A description of the proposed development and
4. The name and address of the planning authority who will determine the application.

The grant of planning permission will not affect the rights of an owner, or tenant under a lease which has at least 7 years to run, to dispose of the consented property unless there is express provision in the lease/Agreement.

Applications for the working and winning of underground minerals

The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown (oil, gas, coal, gold and silver), who may be difficult to identify and notify.

For the purposes of these applications, regulation 15(4) amends the requirement to notify owners to relate to those who "to the applicant's knowledge" are owners

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mrs Marion Fraser
90 Polwarth Road
Aberdeen
AB11 8DB

With reference to your application validly received on 13 September 2019 for the following development:-

**Formation of driveway
at 90 Polwarth Road, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<u>Drawing Number</u>	<u>Drawing Type</u>
191406/1	Location Plan and Site Layout (Proposed)

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

Road Safety

The proposed driveway would have a significant adverse impact to the level of public safety in the surrounding area. This is because if cars were parked at a right angle to the road, the driveway would not be of an adequate length to prevent vehicles overhanging the footway, which would be detrimental to pedestrian safety, particularly to children and those with a disability. The approximate 3.9m length of the driveway would conflict with the Supplementary Guidance: 'Transport and Accessibility' as it would be less than 5m. If cars were parked parallel to the road, there would not be an adequate level of visibility between vehicles exiting the

driveway, pedestrians on the footway and other vehicles, which would also be to the detriment of public safety.

Amenity

The proposed driveway would result in the removal of a significant area of the front garden of the property and loss of enclosure, which would be detrimental to the character and visual amenity of the surrounding area, in conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan.

Loss of Public Parking Provision

The proposal would result in the loss of up to approximately 3 public on-street parking spaces (if a vehicle on the driveway was parallel parked). Given none of the four-in-a-block properties to the south of Polwarth Road have off-street parking provision, the loss of these spaces would decrease the supply of on-street parking provision for a street with a high demand for such. It would result in the neighbouring properties in the block not being able to park adjacent to their property, in conflict with the Supplementary Guidance: 'Transport and Accessibility'. This would be detrimental to the level of amenity afforded to the surrounding area.

Precedent

The proposed driveway would be likely to set an unwelcome precedent for similar driveways which cumulatively would significantly adversely affect public safety; result in the further reduction of on-street parking provision on a street where there is a high demand for it; and result in the loss of soft landscaped front curtilage in the front of the four-in-a-block properties on Polwarth Road, which would be significantly detrimental to the character and the visual amenity of the surrounding area.

Date of Signing 12 February 2020



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 191406/DPP

Application Summary

Application Number: 191406/DPP

Address: 90 Polwarth Road Aberdeen AB11 8DB

Proposal: Formation of driveway

Case Officer: Roy Brown

Consultee Details

Name: Mr Nathan Thangaraj

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the formation of a driveway at 90 Polwarth Road, Aberdeen AB11 8DB. This site is located within outer City and outwith any controlled parking zone.

I note that the length of the proposed driveway is less than 5.0m. The Roads Authority do not allow for a driveway to be installed in this situation because parked vehicles will overhang the footway and could result in a road safety hazard to pedestrians, especially children or those with a disability. I am aware that there are some properties which have a driveway of length less than 5.0 m, but these are historical and should not be compared with newly constructed driveways.

Can the applicant confirm if the driveway layout can be revised? Upon receipt of the information requested, I will be in a position to provide comprehensive roads response.

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MEMO



To	Planning & Infrastructure	Date	11/11/19
		Our Ref.	191406
From	Nathan Thangaraj		
Email	nthangaraj@aberdeencity.gov.uk		
Dial	01224 523441		
Fax			

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. 191406/DPP

I note this application for the formation of a driveway at 90 Polwarth Road, Aberdeen AB11 8DB. This site is located within outer City and outwith any controlled parking zone.

I note that the length of the proposed driveway is less than 5.0m. The Roads Authority do not allow for a driveway to be installed in this situation because parked vehicles will overhang the footway and could result in a road safety hazard to pedestrians, especially children or those with a disability. I am aware that there are some properties which have a driveway of length less than 5.0 m, but these are historical and should not be compared with newly constructed driveways.

For the reasons stated above, I recommend this application for refusal.

Nathan Thangaraj
Engineer
Roads Development Management

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Comments for Planning Application 191406/DPP

Application Summary

Application Number: 191406/DPP

Address: 90 Polwarth Road Aberdeen AB11 8DB

Proposal: Formation of driveway

Case Officer: Roy Brown

Customer Details

Name: Mr Arthur Riddell

Address: 39 polwarth road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Due to Polwarth Road being utilised as a rat run, having a driveway on this road would pose as a safety concern. Just 5 weeks ago there was a road traffic accident only 20 yards away from the proposed driveway. I think the safety risks should be considered and the limited manoeuvre space will no doubt cause concern for neighbouring vehicle owners. Also as it is a populated street with numerous tenement buildings there are of course a number of small children, again another safety risk when a vehicle will be crossing the existing pavement. To conclude we strongly object to this application. Kind Regards

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Comments for Planning Application 191406/DPP

Application Summary

Application Number: 191406/DPP

Address: 90 Polwarth Road Aberdeen AB11 8DB

Proposal: Formation of driveway

Case Officer: Roy Brown

Customer Details

Name: Mr Terry Begg

Address: 82 Polwarth road Torry Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposed driveway. This street is fast becoming dangerous to cross as being constantly used a rat run. There is a problem with parking as is and feel will be taking up much need spaces. There has been a few accidents and near misses lately and don't want to bring problem on to the pavements as well

Terry Begg.

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Comments for Planning Application 191406/DPP

Application Summary

Application Number: 191406/DPP

Address: 90 Polwarth Road Aberdeen AB11 8DB

Proposal: Formation of driveway

Case Officer: Roy Brown

Customer Details

Name: Mr William Stott

Address: 88 Polwarth Road aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the above formation of the driveway next door to me. Even though Polwarth Road is a 20 zone its constantly used as a rat run with cars bombing up and down the road. My neighbour across from me has had 2 cars & van extensively damaged in under a year due to this I feel its a severe risk having a driveway at the front of No 90, we also have small children in the area that play on the pavement that could be easily run over while they reverse etc in to a drive.

Regards,

W Stott

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Comments for Planning Application 191406/DPP

Application Summary

Application Number: 191406/DPP

Address: 90 Polwarth Road Aberdeen AB11 8DB

Proposal: Formation of driveway

Case Officer: Roy Brown

Customer Details

Name: Ms Julia Strickland

Address: Aberdeen Civic Society c/o 1 Mackie Place Aberdeen

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Aberdeen Civic Society objects to the formation of a driveway to the front garden area of this property. Boundary enclosures are an important part of streetscapes and this proposal which would allow parking in the front garden area would set a poor precedent for the area.

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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Designing Streets

<https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2010/03/designing-streets-policy-statement-scotland/documents/0096540-pdf/0096540-pdf/govscot%3Adocument/0096540.pdf>

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

Supplementary Guidance

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

Other Material Considerations

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments
 The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013
 The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	MARION	Forename	
Surname	FRASER	Surname	
Company Name		Company Name	
Building No./Name	90	Building No./Name	
Address Line 1	POLWARTH ROAD	Address Line 1	
Address Line 2	TORRY	Address Line 2	
Town/City	ABERDEEN	Town/City	
Postcode	AB11 8DB	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details

Planning authority: ABERDEEN CITY COUNCIL

Planning authority's application reference number: 191406/DPP

Site address:

90 POLWARTH ROAD
 TORRY
 ABERDEEN
 AB11 8DB

Description of proposed development:

Date of application

13.9.19

Date of decision (if any)

12.2.20

Note: This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

ANY OF ABOVE

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

No

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

ON SEPARATE DOCUMENT

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

DID NOT KNOW DETAILS OF REFUSAL

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

GOOGLE MAP OF PROPERTIES THE SAME AS MY FLAT IN TORRY AREA - PROPOSED SITE PLAN - DECISION NOTICE - DOCUMENT STATING REASONS OF REVIEW

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form [checked]

Statement of your reasons for requesting a review [checked]

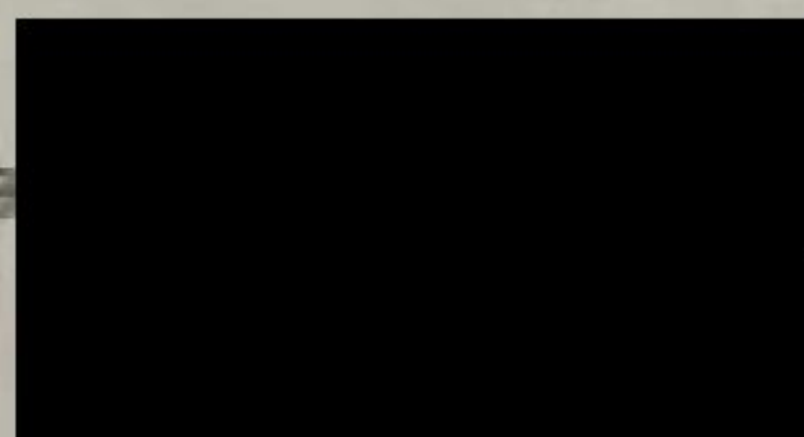
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. [checked]

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name:

MARION FRASER

Date:

26 3 20

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

MARION CRASER
 90 POLWARTH ROAD
 TORRY ABERDEEN
 AB11 8DB

191406/DPP

TEL [REDACTED]

* THE TORRY AREA OF ABERDEEN HAS OTHER PROPERTIES MIRRORING MY FLAT WITH SMALLER DRIVEWAYS THAN MY PROPOSAL - I HAVE SENT IN GOOGLE MAP EXAMPLES - TULLOS CRESENT, GLENBERVIE ROAD AND MANSFIELD PLACE

* IN THE TORRY AREA A NEW HOUSING DEVELOPEMENT HAS RECENTLY BEEN BUILT ROUND THE CORNER FROM MY PROPERTY, ON WALKER GARDENS - THIS HAS CHANGED THE CHARACTER OF THE AREA -

THE PLAN I HAVE PROPOSED SHOWS MY FRONT GARDEN FINISHED TO A HIGH STANDARD JUST LIKE THE NEW PROPERTIES ON WALKER GARDENS - THE PROPERTIES ON POLWARTH ROAD HAVE A LOT OF SOFT LANDSCAPE TO THE SIDE AND REAR OF THE HOUSES, UNLIKE THIS NEW DEVELOPEMENT.

IF THERE ARE DRIVEWAYS ON THE NORTH OF POLWARTH RD.

* THE TORRY AREA HAVE SOME FLATS WITH SIX IN A BLOCK WHO HAVE DRIVEWAYS AND MY FLAT IS FOUR IN A BLOCK, JUST LIKE THE ONES SHOWN ON GOOGLE MAP -

THE TURN IN THE KERB WOULD TAKE AWAY LESS SPACE THAN A PARKED CAR AND WOULD IMPROVE SPACE FOR PARKING.

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LOCAL REVIEW BODY



200068/DPP– Review against refusal of planning permission
for:

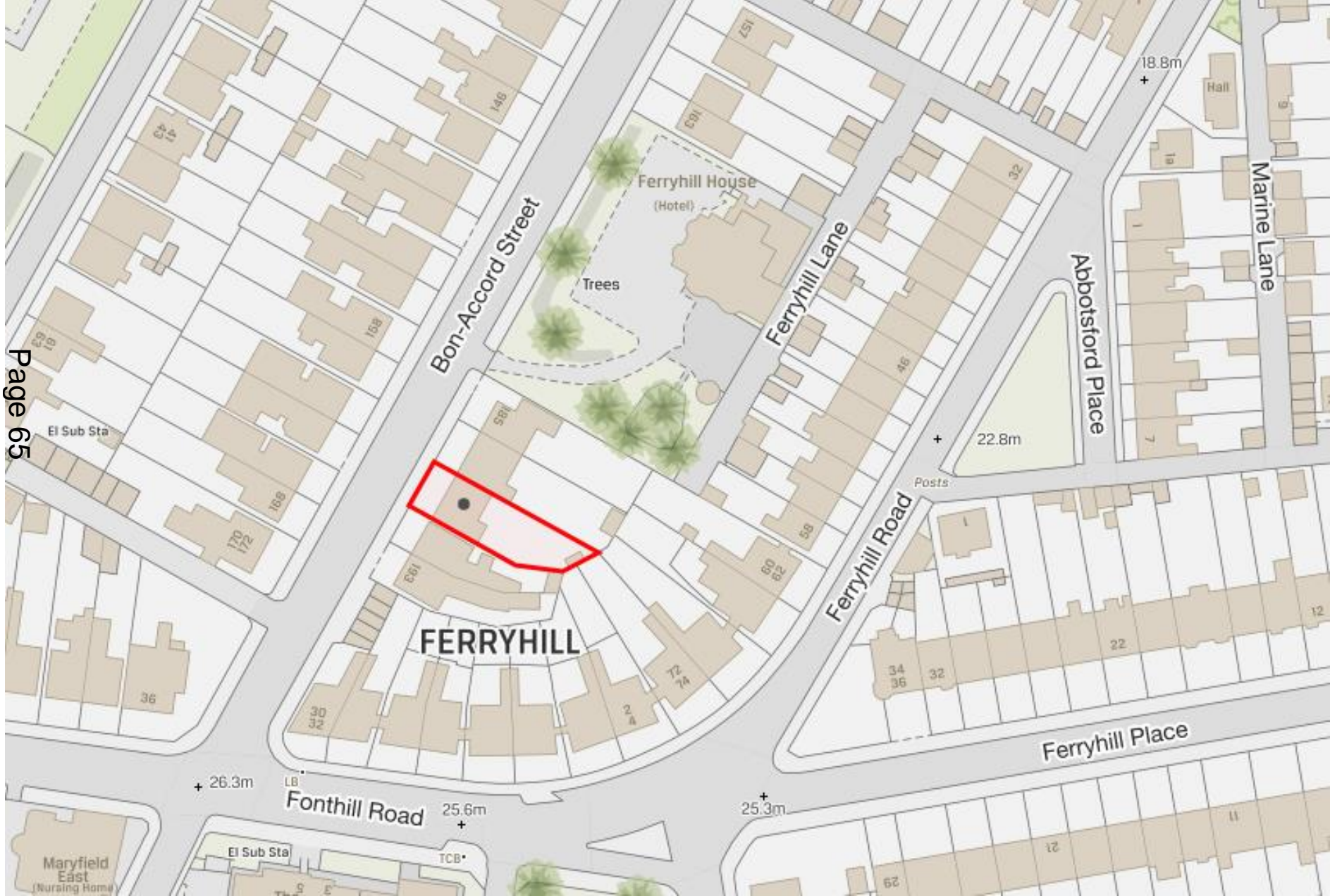
*“Formation of dormer to rear and installation of roof lights to
front”*

at: 189 Bon-Accord Street, Aberdeen

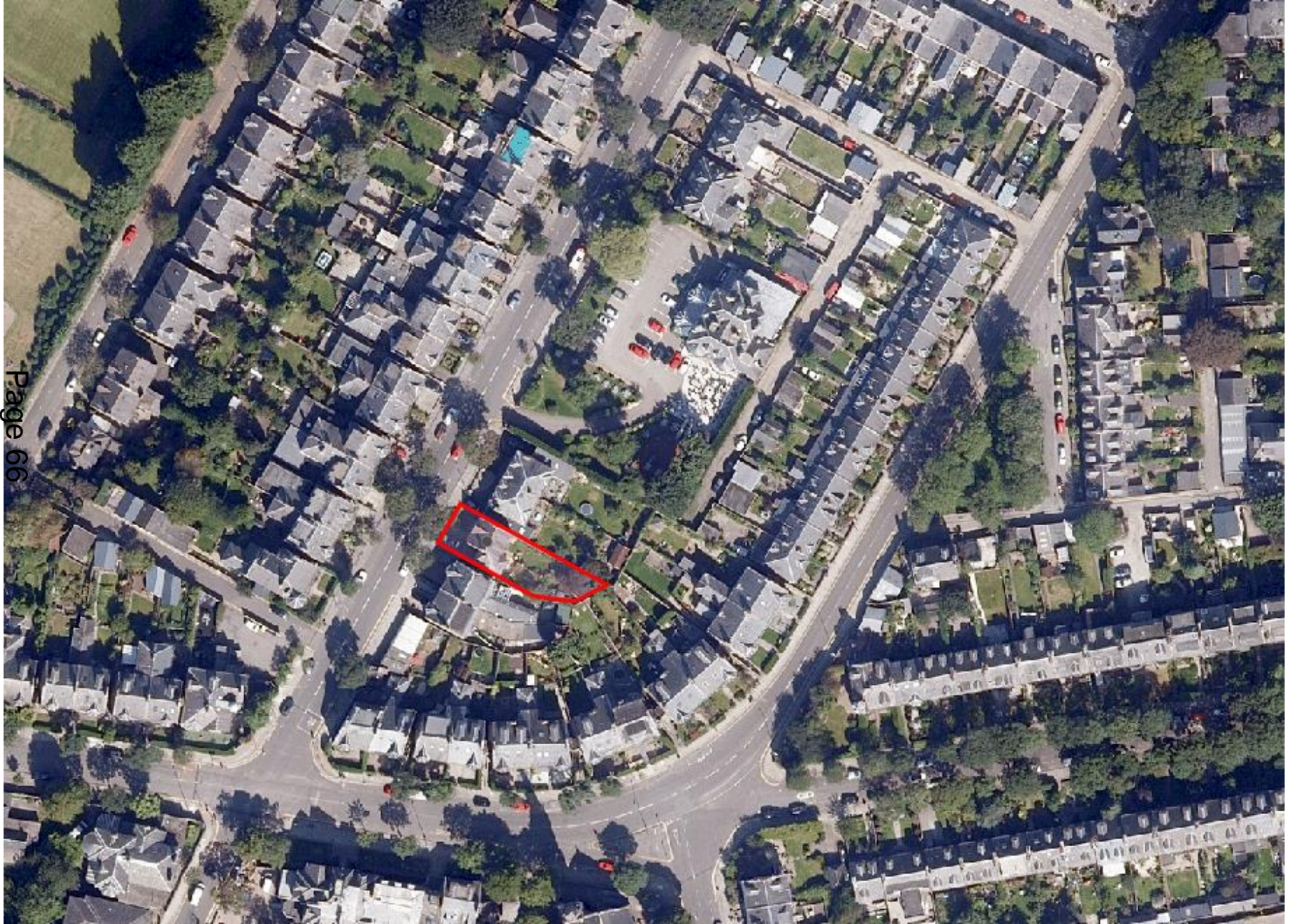
Location Plan



Location Plan



Aerial Photo



Street View (March 2019)

Page 67



Google

Image capture

Front (NW) elevation

Existing



Proposed

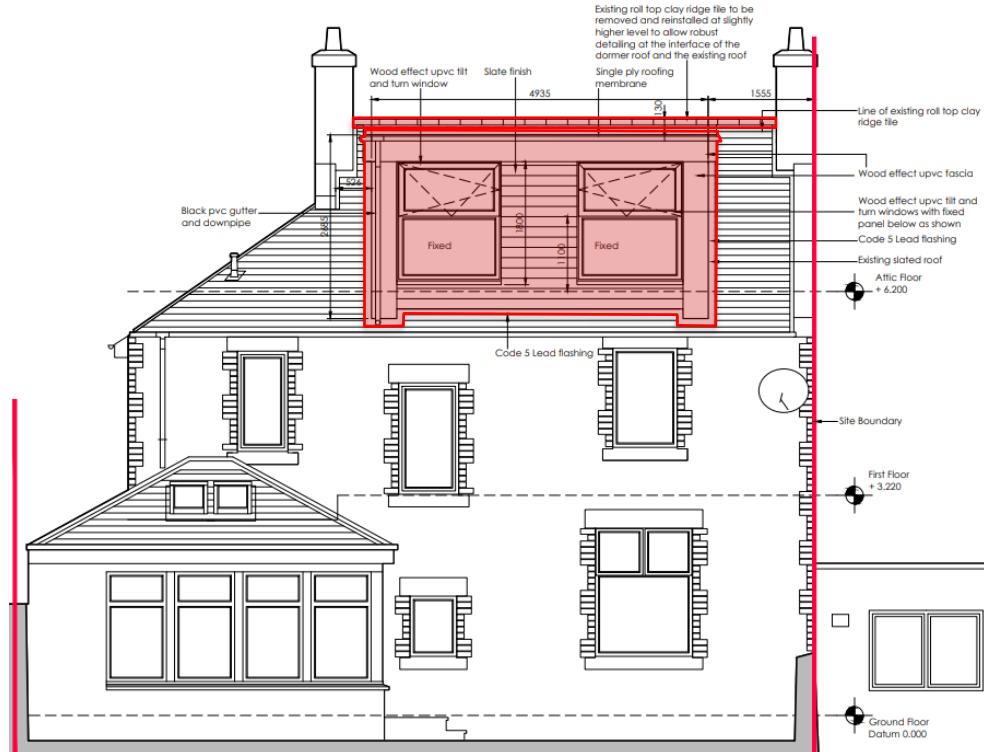


Rear (SE) elevation

Existing

Proposed

Page 69

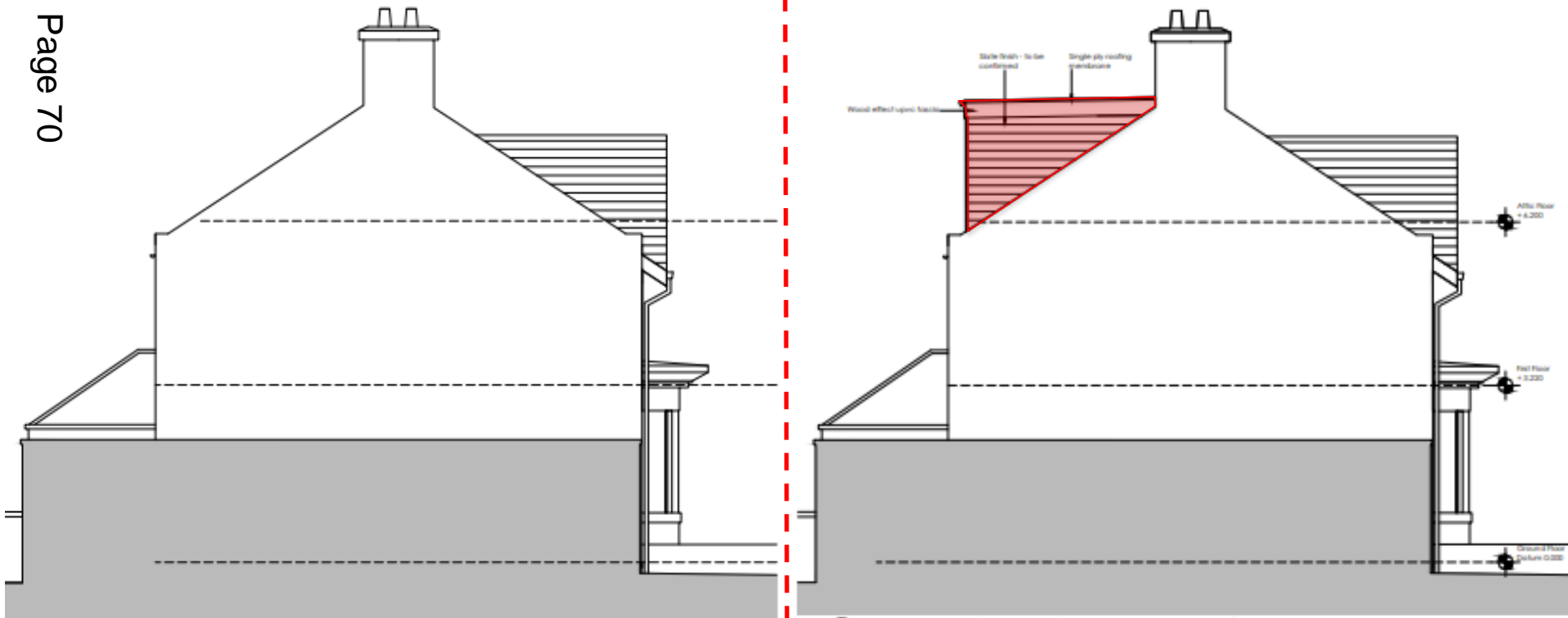


Side (NE) elevation

Existing

Proposed

Page 70

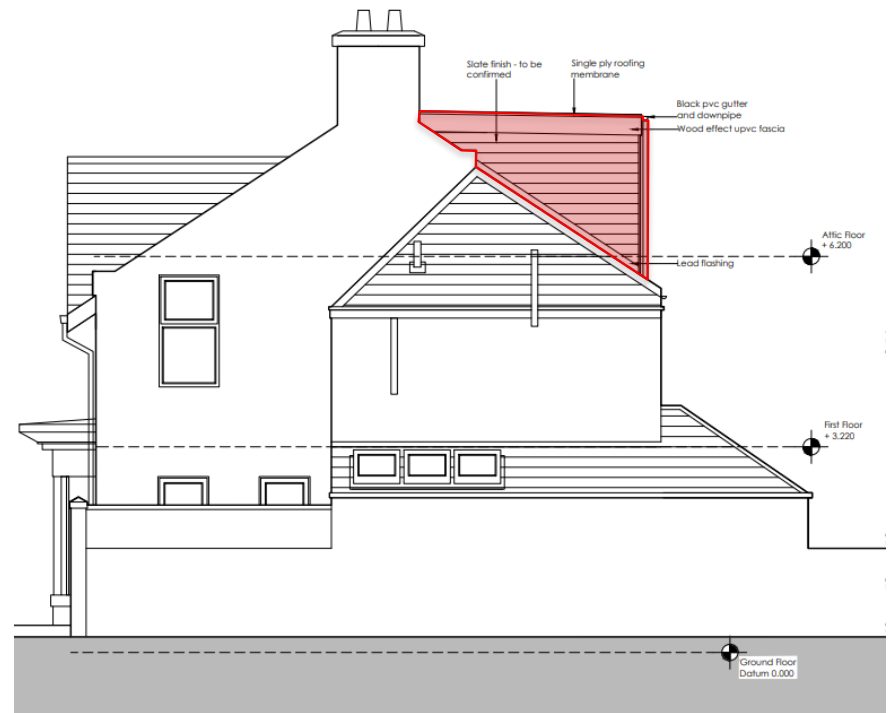


Side (SW) Elevation

Existing

Proposed

Page 71

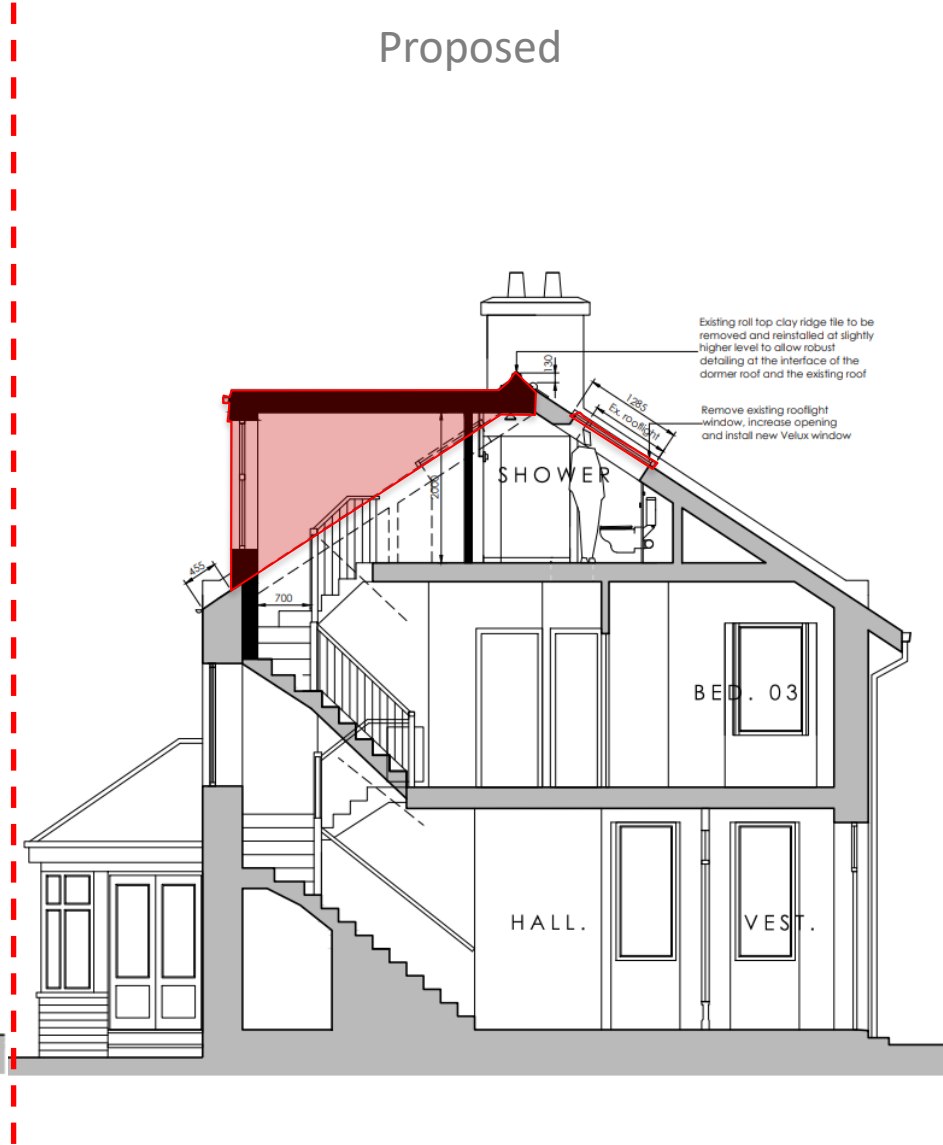


Section 1

Existing

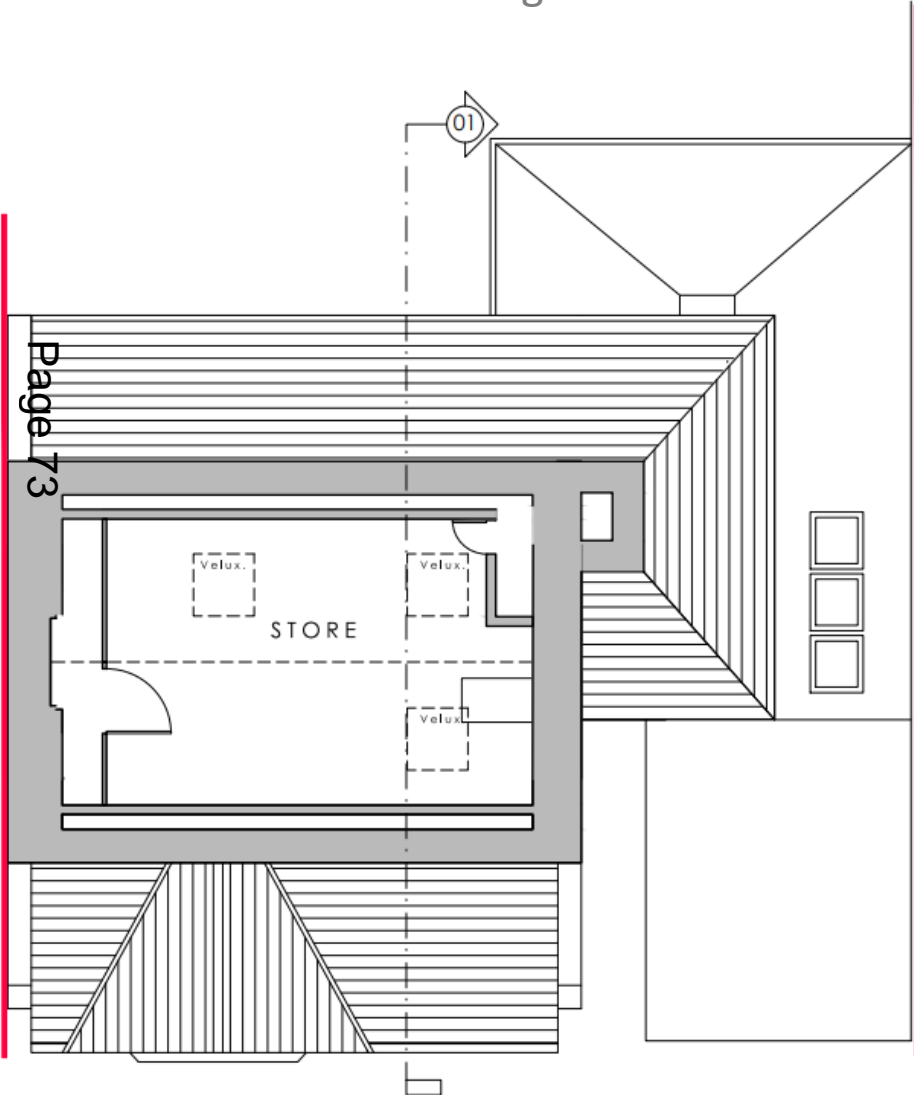
Proposed

Page 72

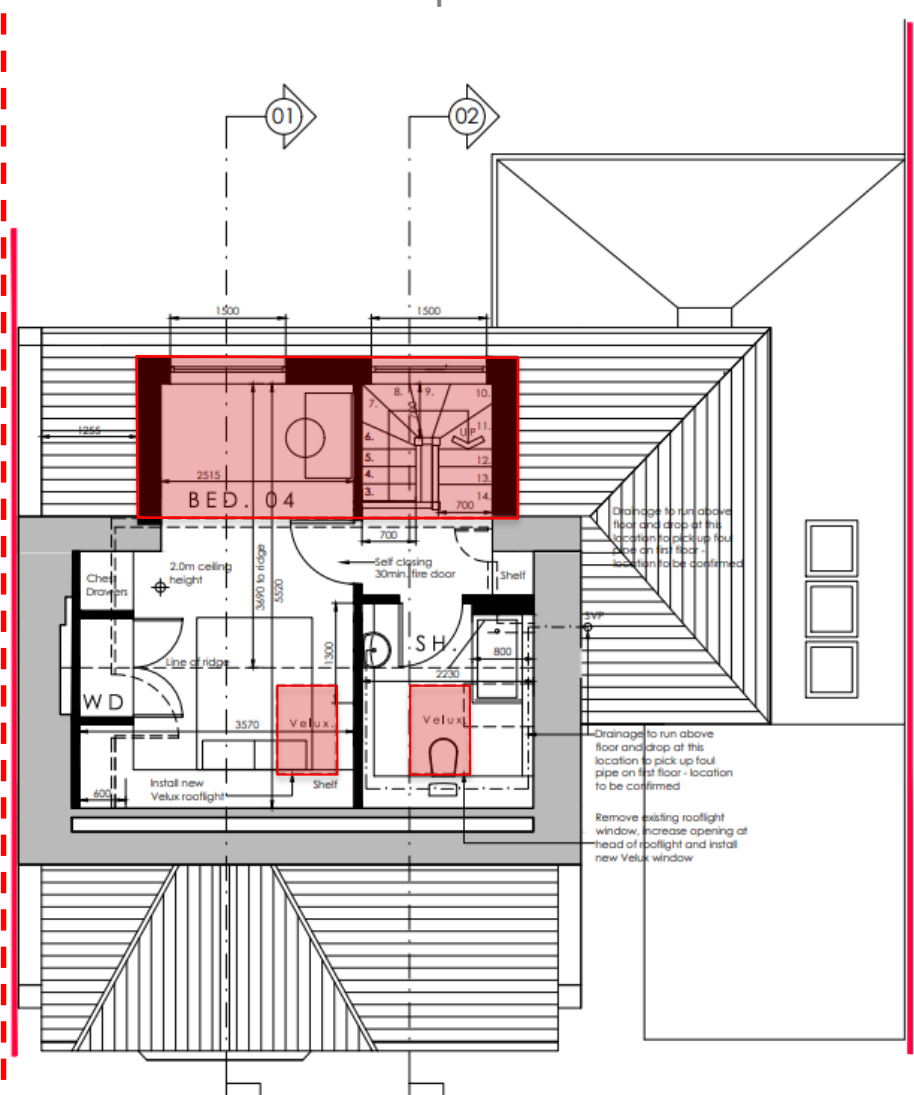


Attic / 2nd Floor

Existing



Proposed



Reasons for Decision

- Scale of the proposed dormer would dominate the rear roof slope by virtue of its height and massing
- size of the two windows within the proposed box dormer would not reflect the established fenestration pattern on the rear of the application property
- Dormer not of a scale and design that respects the character and appearance of the application property
- visual harm to the character and appearance of the Ferryhill Conservation Area
- Proposal is at odds with Policy D1 (Quality Placemaking by Design), Policy D4 (Historic Environment) and Policy H1 (Residential Areas) of the ALDP 2017, as well as relevant guidance within Householder Development Guide SG
- Proposal would not accord with the relevant national guidance published by Historic Environment Scotland.

Policy H1 (Residential Areas)

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

Householder Development Guidance

- General Principles –
 - Should be '**architecturally compatible in design and scale with the original house and its surrounding area**'.
 - Should not '**dominate or overwhelm**' the original house and should '**remain visually subservient**'.
 - Should not result in adverse impact on '**privacy, daylight, amenity**'
- Footprint of dwelling as extended should not exceed **twice that of original house**
- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)
- Approvals pre-dating the guidance (2017) do not represent a '**precedent**'

Householder Development Guidance

Dormer Windows – General Principles

- New dormers should respect scale of the building and should not dominate, overwhelm or unbalance the original roof;
- On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;
- In the case of non-listed buildings in conservation areas, consideration may be given to the provision of linked panels between windows on the private side of the building, where the extension is not seen from any public area. Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas, but generally not on any elevation of listed buildings.

Householder Development Guidance

Dormer Windows – Older properties of a traditional character: Rear elevations

- The aggregate area of all dormers should not dominate the original roof slope;
- Dormer hafts should be a minimum of 400mm in from the inside face of the gable tabling;
- The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope;
- Flat roofs on box dormers should be a reasonable distance below the ridge;
- Windows should be located at both ends of box dormers;
- A small apron may be permitted below a rear window; and
- Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.

Householder Development Guidance (rooflights)

- Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;
- On older buildings, and particularly on listed buildings and buildings in conservation areas, a 'conservation' type of rooflight will be expected. This is of particular importance on public elevations. Even the addition of a central glazing bar to a rooflight can provide a more authentic appearance in such instances;
- Large timber or cast iron rooflights divided into several sections were frequently provided above stairwells. It is not ideal to replace these with a single-pane modern rooflight. If the original rooflight cannot be repaired, aluminium or steel patent glazing is a more satisfactory option; and
- For rooflights fitted into slated roofs, manufacturers can provide a special flashing with their rooflights to keep the projection of the rooflight above the plane of the slates to a minimum. In listed buildings and buildings in conservation areas, it will be expected that rooflights be recessed into the roofslope.
- Sympathetic 'conservation' style rooflights will nearly always be required in listed buildings and on the public elevations of buildings in conservation areas.

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?



ABERDEEN
CITY COUNCIL



Aberdeen City Conservation Area Character Appraisals and Management Plan

Ferryhill

To be read in conjunction with Section 1: Strategic Overview and Section 2: Management Plan

July 2013

Planning and Sustainable Development

Enterprise, Planning and Infrastructure

Aberdeen City Council

Business Hub 4 - Marischal College

Broad Street

Aberdeen

AB10 1AB

www.aberdeencity.gov.uk

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*


Does it accord with the principles set out for both dormer windows and rooflights in the 'Householder Development Guide'?

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh in favour of approval or refusal?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	189 Bon-Accord Street, Aberdeen, AB11 6UA,
Application Description:	Formation of dormer to rear and installation of roof lights to front
Application Ref:	200068/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 January 2020
Applicant:	Mr Keith Sim
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises the residential curtilage of a two-storey detached dwellinghouse on the eastern side of Bon Accord Street to the south of Ferryhill House, which falls within the Ferryhill Conservation Area.

The application property is finished in granite blockwork with a pitched natural slate roof to the main part of building which includes gable feature and rooflight to front and two rooflights on the rear. All windows within the building, including the conservatory on the rear, are made from brown framed timber casements. A long garden area exists within the rear curtilage of the building which is defined by traditional stone boundary walls adjoined by garden space belonging to adjacent properties on Bon Accord Street and Fonthill Road

Relevant Planning History

Application Number	Proposal	Decision Date
191248/DPP	Erection of box dormer to rear	08.10.2019

Status: REFUSED

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of a box dormer window on the principal rear roof slope of the dwellinghouse.

The dormer would measure c. 5m wide and 2.8m high (at its maximum off the roof plane) with flat

single ply membrane roof. The principal elevation of the dormer would comprise two uPVC wood effect casement windows with 'slate finish' panel in between and uPVC wood-effect fascia boards around the perimeter. Haffits to be finished in slate panelling to match central panel between the two casement windows on the principal elevation.

Supporting Documents

All drawings can be viewed on the Council's website at:
<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q47J5CBZMPF00> .

CONSULTATIONS

Ferryhill And Ruthrieston Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland – *Managing Change in the Historic Environment: Roofs*

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The Strategic Development Plan 2014 is beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan 2017 (ALDP)

- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Policy H1 – Residential Areas Application

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies from the Proposed LDP are relevant to this application:

D1 – Quality Placemaking
D2 – Amenity
D6 – Historic Environment
H1 – Residential Areas

Supplementary Guidance

- Householder Development Guide

Other Material Considerations

- Ferryhill Conservation Area Character Appraisal and Management Plan

EVALUATION**Principle of Development**

The proposed development would not conflict with the land-use designation policy (H1) providing it would not constitute over development, would not have an unacceptable impact on the character and amenity of the surrounding area, and would be compliant with the relevant requirements of the Householder Development Guide SG. In addition, the proposal is required to meet these requirements to ensure compliance with Policy D1 in the ALDP. These considerations shall be addressed below.

Scale and Design

Pages 14 – 18 in the Householder Development Guide Supplementary Guidance (SG) provides prescriptive guidance on the siting, scale and design requirements for new dormer window installations, including those of “older properties of a traditional character” in which category the application falls within the context of the SG. The most pertinent requirements are as follows:

- New dormers should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof;
- Dormer hafts and front face should be set a minimum of 400mm in from the roof edge (eaves and sides);
- Flat roofs of dormers should be set a reasonable distance below the roof ridge;
- Windows should be located at both ends of the dormers; and,
- Solid panels between windows in box dormers may be permitted but should not dominate the principal elevation of the dormer; and,
- A small apron (between the roof plane and window cill) may be permitted below windows.

In terms of compliance with the above, the following assessment is made:

- The size of the proposed dormer would dominate the rear roof slope in terms of its expanse across it i.e. it would not visually sit comfortably within the height and width of the roof slope, and therefore would overwhelm the original roof slope - thus altering the original character of the application property;
- The dormer hafts would sit more than 400mm in from both sides and above the eaves;
- Drawing P07 shows the flat roof of the dormer would be visually set at the same height as the original roof ridge from a cross-sectional angle. The proposals incorporate plans to raise the ridge slightly by raising the ridge slates to give the false impression that the dormer would be set below ridge height of the application property, Mindful that the overarching aims of the SG are to “promote high quality design” and “restrict the incremental expansion of traditional buildings”, such design measures would not be ‘reasonable’; ,
- Windows would be located at both ends of the dormer and although they would be appropriately aligned with windows set below, they would be much larger and not in-keeping with the established fenestration pattern on the rear elevation thus giving rise to an unnecessary top heavy appearance which would not constitute ‘high quality design’; and,
- A solid panel is proposed between the two windows in the dormer and fascia boarding around the perimeter of the frontage. The size of the panel considered ‘reasonable’ but the perimeter fascia boarding gives the dormer a ‘bulky’ and overbearing visual appearance which would be out-of-keeping with the existing character and appearance of the building.

Overall, whilst the proposed dormer may accord with two requirements of the SG i.e. windows located at both ends and the front panel being a reasonable size; the frame of the dormer does not sit comfortably within the roof plane. The large size of the frame has given rise to a design which incorporates an apron and two windows which are disproportionately large to the roof space and the need to raise the roof ridge to give a false impression that the dormer would sit comfortably under the ridge height of the building when in reality it would not. Finally, the large fascia boarding around the perimeter of the front elevation only serves to further enhance the bulky and overbearing appearance of the dormer in its entirety. Subsequently, it is not considered the proposal would comply with the relevant guidance on dormer windows set on the rear elevations of traditional properties in the Householder Development Guide SG. As such, this renders the proposal incompliant with Policy H1 in the ALDP. Furthermore, the above points also raise concerns in respect of the scale and design of the proposal relative to the size and appearance of the existing building, thus causing a tension with the relevant requirements of the Policy D1 in the ALDP.

Impact on Private Amenity

The proposed dormer would be orientated to look over the applicant’s own rear garden area and would be set 25m off the mutual boundary (with 72 and 74 Ferryhill Road) at the far end of the garden. At present, the first-floor windows within the rear elevation would provide a platform for some overlooking into the adjacent neighbours’ garden grounds. Given the proposed dormer would sit higher up the building, it would provide a greater platform for further eroding neighbours privacy in their rear garden areas.

Impact on Ferryhill Conservation Area

Policy D4 states the Council will protect, preserve and enhance the historic environment in line with national policy and guidance. Specifically, the policy supports high quality design proposals in conservation areas providing it respects the character and appearance of such areas. At the national level, *Managing Change in the Historic Environment: Roofs* guidance published by Historic Environment Scotland recognises the significance of roofs and their features in defining the character of a building and its wider contribution to the surrounding area.

Box dormers are not a prevalent architectural feature of dwellinghouses along Bon Accord Street. The prevailing and defining character of both sides of the street and thus this part of the conservation area, is unaltered pitched roofs with some rooflights in places. Some unsympathetic box dormers i.e. which dominate their respective roof slopes, do exist within the immediate locality, primarily on the rear on buildings – the nearest being next door at 191 Bon Accord Street and the most prominent from Bon Accord Street being to the rear of 30/32 and 38/40 Fonthill Road. Whilst they do exist, they are in the minority and are not considered to set any precedent for additional box dormers within the immediate locality given they were not consented under current policy and were added to their respective buildings circa 25+ years ago. In the current context, the proposed addition of an overly dominant box dormer to the application property would contribute to the incremental increase in insensitive alterations to roof spaces which would harm the prevailing historic character and appearance of the Bon Accord Streetscene and wider Ferryhill Conservation Area. As such, the proposal is not considered compliant with the relevant requirements of Policy D4 in the ALDP and Historic Environment Scotland's guidance on managing changes to roofs of buildings within conservation areas.

Proposed Aberdeen Local Development Plan

In relation to this particular application, policies D1 (Quality Placemaking), D2 (Amenity), D4 (Historic Environment) and H1 (Residential Areas) in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

Strategic Development Plan implications

In terms of assessment against the Strategic Development Plan, due to the modest scale of this proposal the proposed development is not considered to be of strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Concluding Comments

Overall, the proposal is not considered compliant with the relevant requirements of the Householder Development Guide SG which are implicit to the requirements of policies D1, D4 and H1 in the ALDP 2017, therefore rendering the proposal incompliant with such policies. Additionally, the proposal would not be considered an acceptable alteration to a roofspace set within a conservation area in the context of Historic Environment Scotland's published guidance to Planning Authority's on "Managing Change in the Historic Environment: Roofs". In the absence of any other overriding material considerations, the proposal therefore is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The scale of the proposed dormer would dominate the rear roof slope by virtue of its height and massing relative to the size of the rear roof slope. Furthermore, the size of the two windows within the proposed box dormer would not reflect the established fenestration pattern on the rear of the application property. As such, the proposed dormer would not be a scale and design that respects the character and appearance of the application property and would subsequently cause undue visual harm to the character and appearance of the Ferryhill Conservation Area. As such, the proposal is considered to be at odds with the relevant requirements of Policy D1 (Quality Placemaking by Design), Policy D4 (Historic Environment) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 as well as relevant guidance set within the Householder Development Guide supplementary guidance document. Additionally, the proposal would not accord with the relevant national guidance published by Historic Environment Scotland.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100174165-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Dormer Extension to rear of existing house at 189 Bon Accord Street, Aberdeen.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cumming and Co. Chartered Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Albion House
Last Name: *	McKenzie	Building Number:	
Telephone Number: *	01224 355600	Address 1 (Street): *	6 Castlehill
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB11 5GJ
Email Address: *	stuart@cummingandco.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Keith	Building Number:	189
Last Name: *	Sim	Address 1 (Street): *	Bon Accord Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB11 6UA
Fax Number:			
Email Address: *	stuart@cummingandco.com		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

189 BON-ACCORD STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 6UA

Please identify/describe the location of the site or sites

Northing

805182

Easting

393714

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

As per previous planning application ref. 191248/DPP

Title:

Mr

Other title:

First Name:

Jamie

Last Name:

Leadbeater

Correspondence Reference
Number:

Date (dd/mm/yyyy):

16/09/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stuart McKenzie

On behalf of: Mr Keith Sim

Date: 16/01/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Stuart McKenzie

Declaration Date: 16/01/2020

Payment Details

Online payment: ABSP00004807
Payment date: 16/01/2020 15:23:00

Created: 16/01/2020 15:23

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Stuart McKenzie
Cumming and Co. Chartered Architects
Albion House
6 Castlehill
Aberdeen
AB11 5GJ

on behalf of **Mr Keith Sim**

With reference to your application validly received on 16 January 2020 for the following development:-

**Formation of dormer to rear and installation of roof lights to front
at 189 Bon-Accord Street, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
10-019 P03 A	Location Plan
10-019 P06	Multiple Floor Plans (Proposed)
10-019 P07	Multiple Elevations (Proposed)

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

The scale of the proposed dormer would dominate the rear roof slope by virtue of its height and massing relative to the size of the rear roof slope. Furthermore, the size of the two windows within the proposed box dormer would not reflect the established fenestration pattern on the rear of the application property. As such, the proposed

dormer would not be a scale and design that respects the character and appearance of the application property and would subsequently cause undue visual harm to the character and appearance of the Ferryhill Conservation Area. As such, the proposal is considered to be at odds with the relevant requirements of Policy D1 (Quality Placemaking by Design), Policy D4 (Historic Environment) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 as well as relevant guidance set within the Householder Development Guide supplementary guidance document. Additionally, the proposal would not accord with the relevant national guidance published by Historic Environment Scotland.

Date of Signing 26 March 2020



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Historic Environment Policy for Scotland (HEPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

D4: Historic Environment

Supplementary Guidance

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Other Material Considerations

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

Ferryhill Conservation Area Character Appraisal

https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_6_Feryhill.pdf

Historic Environment Scotland 'Managing Change in the Historic Environment' guidance notes on:

- Roofs

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=577dd6d3-94cc-4a14-b187-a60b009af4bd>

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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100174165-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Keith"/>	Building Number:	<input type="text" value="189"/>
Last Name: *	<input type="text" value="Sim"/>	Address 1 (Street): *	<input type="text" value="Bon Accord Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 6UA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="stuart@cummingandco.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="189 BON-ACCORD STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 6UA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805182"/>	Easting	<input type="text" value="393714"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of dormer to rear and installation of roof lights to front at 189 Bon Accord Street, Aberdeen.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The applicant has a young family with their third child arriving last year. Their house has 3no. bedrooms & a fourth bedroom would provide needed bed-space for each of their children. Looking at the local area the neighbours at no.s 191 & 193 have box dormers in a size & position off the ridge similar to the applicant's proposal. A number of box dormers feature in the local area and notably almost half the number of properties on this section of Bon-Accord Street have this type of extension.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

P03 - Location Plan P04 - Existing Plans and Section P05 - Existing Elevations P06 - Proposed Plans and Sections P07 - Proposed Elevations Grounds For Appeal Document

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

200068/DPP

What date was the application submitted to the planning authority? *

16/01/2020

What date was the decision issued by the planning authority? *

26/03/2020

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The nearest view of the site from a public road is from Ferryhouse Lane. Should access to the site be required please contact the Agent who can arrange a suitable time and date with the Applicant.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

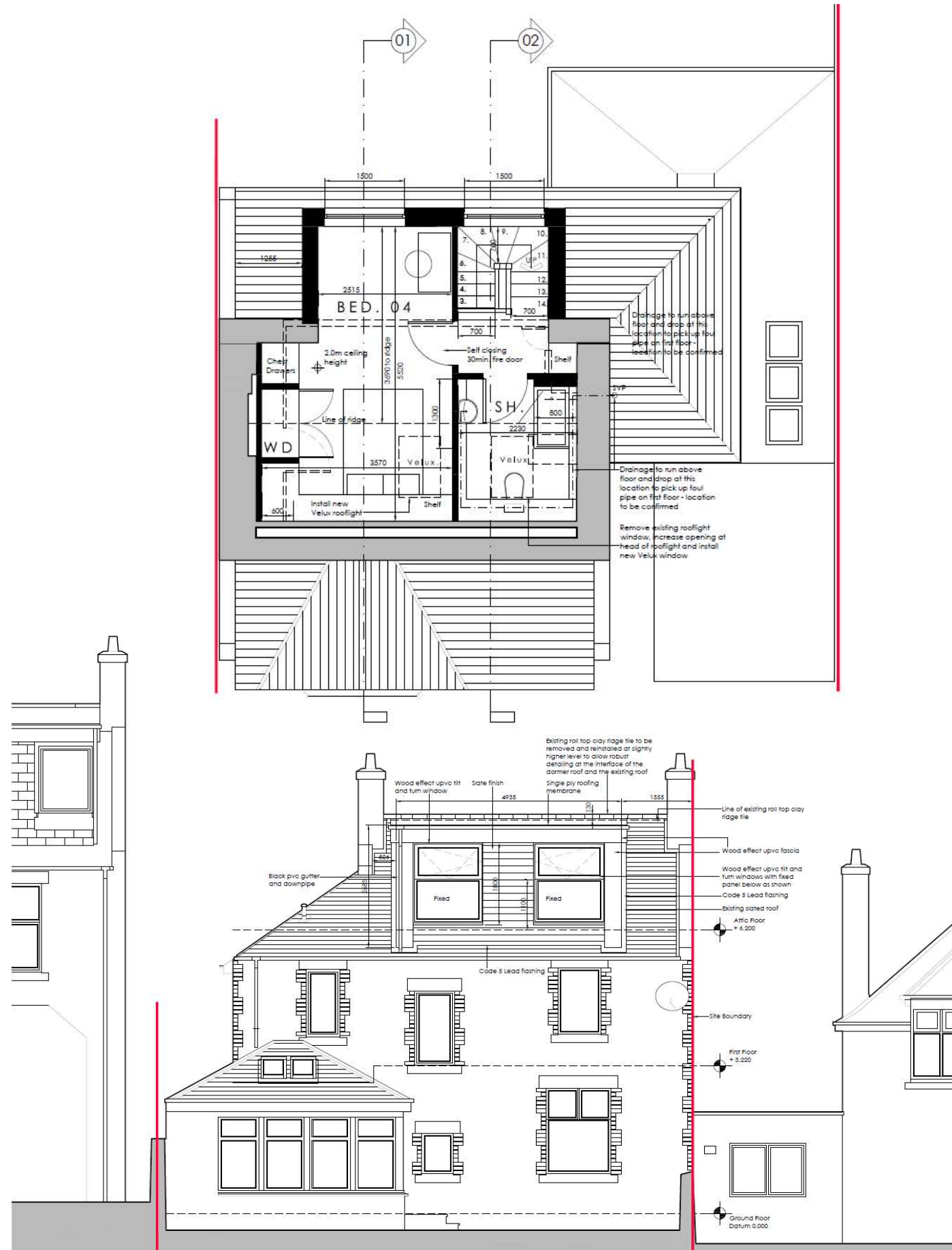
Declaration Name: Mr Stuart McKenzie

Declaration Date: 01/04/2020

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Grounds for Appeal
of Decision to
Refuse Planning Application Ref. 200068/DPP

Formation of dormer to rear and installation of roof lights to front at
189 Bon Accord Street
Aberdeen
AB11 6UA



Key Dates:

Planning Application Validated: 16.01.2020
 Notice to refuse application under delegated powers received: 26.03.2020

Background:

The property is located on Bon-Accord Street which is a conservation area and, from historical records, appears to have been constructed between 1920 and 1940. The applicant has lived in the property for 2.5 years and together have a young family with their third child arriving last year. Their house has 3 bedrooms and a fourth bedroom would provide the needed bed-space for each of their children as they grow older. The property has an existing attic space accessed by vertical ladder which is not suitable for use by young children. The applicant seeks to utilise the attic space safely via a new stair and the dormer would provide headroom more suitable for bedroom accommodation than the attic could currently provide.

The Agent undertook discussions with the planning officer to listen to concerns relating to the size of the dormer and whether the proposal could be fully compliant with Aberdeen City Council design guidance and in particular the recommended distance off the existing ridge. Revised drawings were lodged to show a reduced size of dormer and provide compliance with the design guidance as far as possible and these drawings are appended to this Notice of Review application. It was noted with the planning officer that due to headroom constraints in the existing attic the roof of the dormer could not be lowered any further and that the roof of the dormer is closer to the ridge than is recommended in the Council's design guidance.

The Decision Notice states that the reasons for refusal was based on:

The scale of the proposed dormer would dominate the rear roof slope by virtue of its height and massing relative to the size of the rear roof slope. Furthermore, the size of the two windows within the proposed box dormer would not reflect the established fenestration pattern on the rear of the application property. As such, the proposed dormer would not be a scale and design that respects the character and appearance of the application property and would subsequently cause undue visual harm to the character and appearance of the Ferryhill Conservation Area



- Existing dwelling with box dormer
- Site

This image shows that in the local area there are 18no. properties which have box dormer extensions. A sizeable proportion of the properties on this section of Bon Accord Street have this type of dormer formed at the rear.

Precedent

There are a number of dormers which appear in the local area and notably many of these are box dormer type extensions. The aerial image adjacent shows the extent of existing properties with a box dormer type extension similar to that proposed by the applicant with all being situated at the rear of the property as is also proposed by the applicant. This image also shows that around half the properties on this section of Bon-Accord Street have box dormers and it is argued that there is not only precedent but box dormers are a feature on the properties on this section of street.



Box dormers to neighbouring properties at 191 and 193 Bon-Accord Street

Precedent

The image adjacent shows that the neighbouring properties at no.s 191 & 193 both have box dormer type extensions to a size & position off the ridge similar to the applicant's proposal.



Extent of box dormers visible looking east from Bon-Accord Street to rear of Fonhill Road properties

Precedent

The image adjacent shows that there are properties on Fonhill Road with box dormer type extensions which are visible from the public road, Bon-Accord Street. The applicant's dormer will not be visible from a public road or by the general public and only from the rear aspect of the neighbouring properties.



View looking North along Bon-Accord Street showing extent of proposed dormer visible.



View from Bon-Accord Street showing extent of proposed dormer visible

Negligible Visual Intrusion

The dormer will not be visible when approaching from the north or south ends of Bon-Accord Street. Very small areas of the dormer haffits might be glimpsed when near the property and viewing between the gap between the house and its immediate neighbours. The proposed dormer is at the rear of the property and, as described previously, there is obvious precedent with a number of box dormer extensions featuring on neighbouring properties.



View looking South along Bon-Accord Street showing extent of proposed dormer visible.

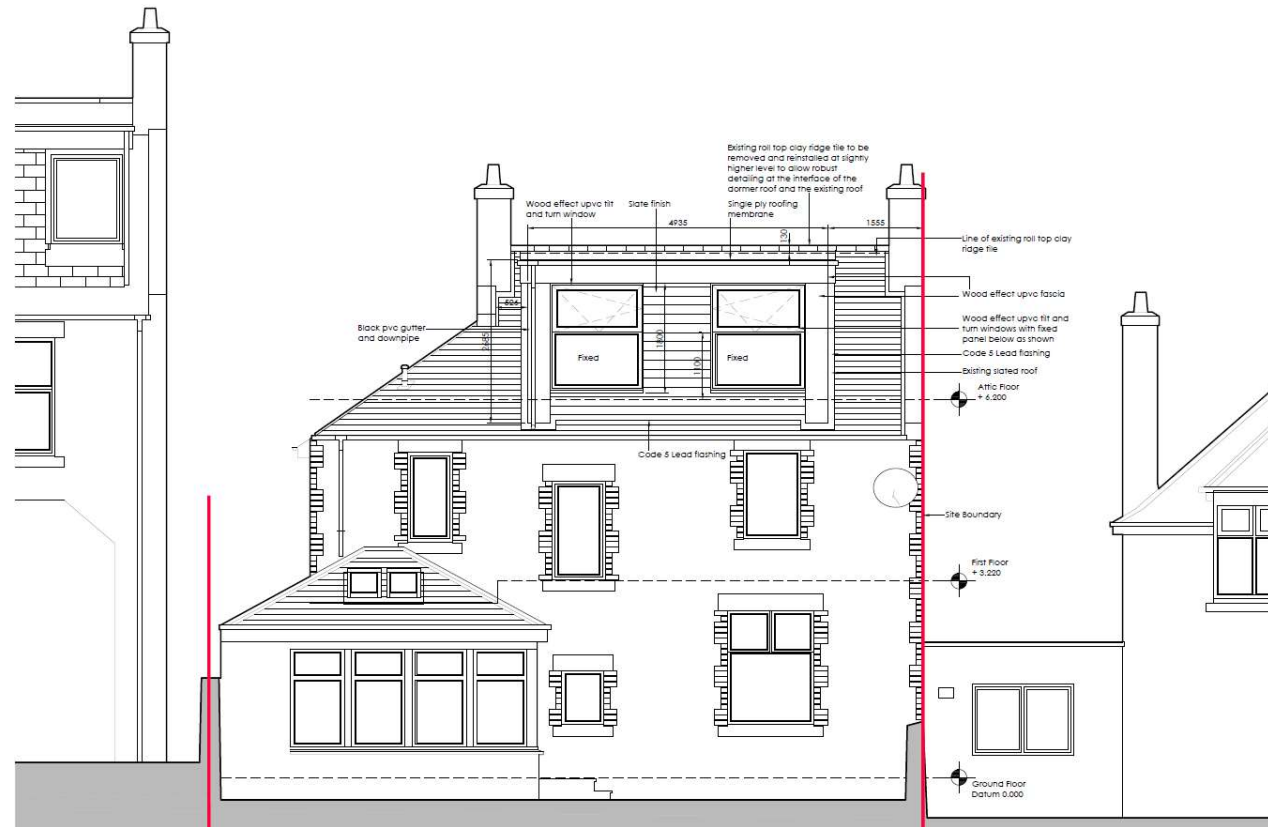


Negligible Visual Intrusion

The dormer will not be visible when approaching from the north or south ends of Bon-Accord Street. Very small areas of the dormer haffits might be glimpsed when near the property and viewing between the gap between the house and its immediate neighbours. The proposed dormer is at the rear of the property and, as described previously, there is obvious precedent with a number of box dormer extensions featuring on neighbouring properties.

Utility Side of Property

The dormer faces onto the rear of properties to Fonthill Road and is an area not within sight of the general public. This is a secluded area which is generally used as domestic gardens punctuated by various outbuildings and extensions in differing styles. The styles of dormer vary between traditional dormer types and box dormers. It is argued that the rear of the house is an appropriate location for this type of dormer as it is out of sight from the general public.

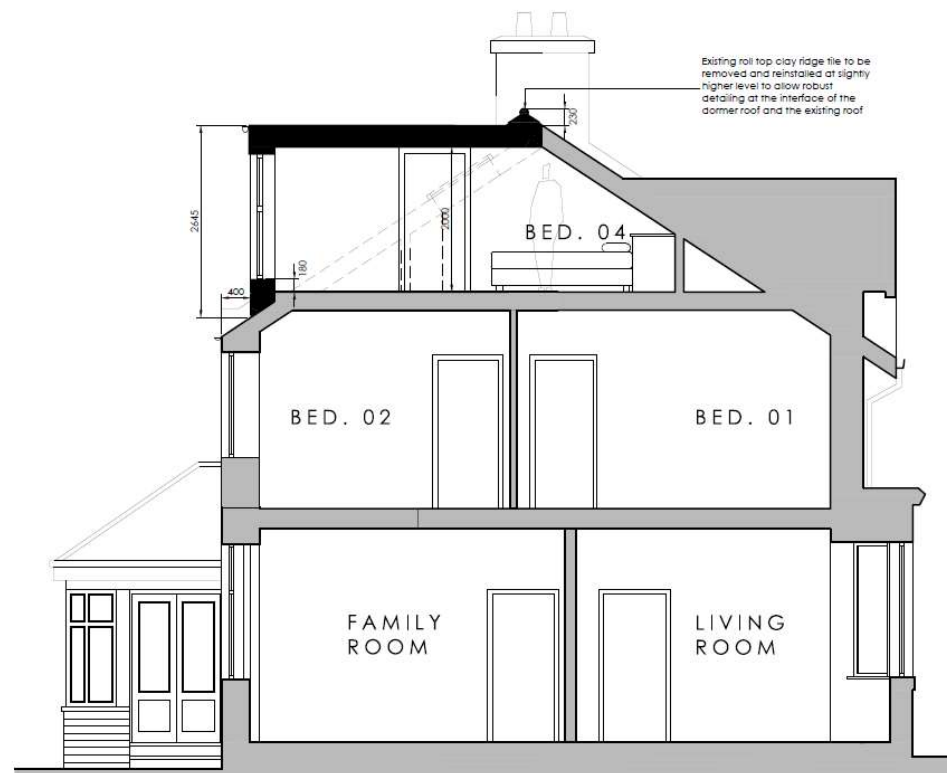


Householder Development Guide

Rear Elevations and Exceptions

On page 16 of the design guidance under the heading 'Rear Elevations and Exceptions' it is stated that "the guidelines for older properties may be relaxed where a property is situated between two properties which have existing box dormer extensions, or in a street where many such extensions have already been constructed. They may also be relaxed on the non-public (rear) side of a property". The proposal at 189 Bon Accord Street meets all three criteria for relaxation; the neighbouring properties at 191 and 193 both have box dormers, the street has a number of box dormers as evidenced in previous pages of this document, and the dormer is proposed to the non-public rear side of the house. The guidance also outlines minimum requirements to allow such relaxation and the following is argued:

- The aggregate area of the dormer does not dominate the original roof slope.
- The proposed dormer haffits are at least 400mm in from the inside face of the gable tabling.
- The front face of dormer extensions are 400mm back from the front edge of the roof.
- The flat roof of the proposed box dormer is a reasonable distance below the ridge.
- Windows are located at both ends of the box dormer.
- The solid panel between the windows to the box dormer does not dominate the dormer elevation.



Summary

This document should provide robust justification for planning consent to proceed with the proposed works to this property. The applicant has a need to provide additional accommodation for their now larger family that will see this house best placed for them into the future. There are numerous examples of box dormers which exist in the local area similar to the size and design of that proposed. With no visual impact seen from public highways it is argued strongly that this is suitable development to this domestic property.

LOCAL REVIEW BODY



191756/DPP– Review against refusal of planning permission
for:

*“Formation of dormers and balcony with deck area to rear
(retrospective)”*

at: 39 Craigton Terrace, Aberdeen

Location Plan



Aerial Photo



Street View (May 2014 – Prior to recent extension)



Site Photos (before construction)

Page 119



Site Photo (as built)



Site Photo (dormer/glazed door as built)



Site Photo (view out)



Site History: Summary

Application 171217/DPP - Permission granted for *“Erection of 1.5 storey gable extension , formation of dormers to front and rear, single storey extension and decking to rear”*

approved Nov 2017

Application 182081/DPP - for *“Erection of 1.5 storey gable extension , formation of dormers to front and rear, single storey extension and decking to rear”*

withdrawn Jan 2019

Application 191756/DPP – for *“Formation of dormers and balcony with deck area to rear (retrospective)”*

refused Jan 2020

Site History: 171217/DPP – approved (1)

Nov 2017 – Application 171217/DPP - Permission granted for “Erection of 1.5 storey gable extension , formation of dormers to front and rear, single storey extension and decking to rear”

REAR ELEVATION (APPROVED)

- Note cill level of left hand dormer window – standard windows to match existing
- Note width of new right-hand dormer and dormer spacing on roof

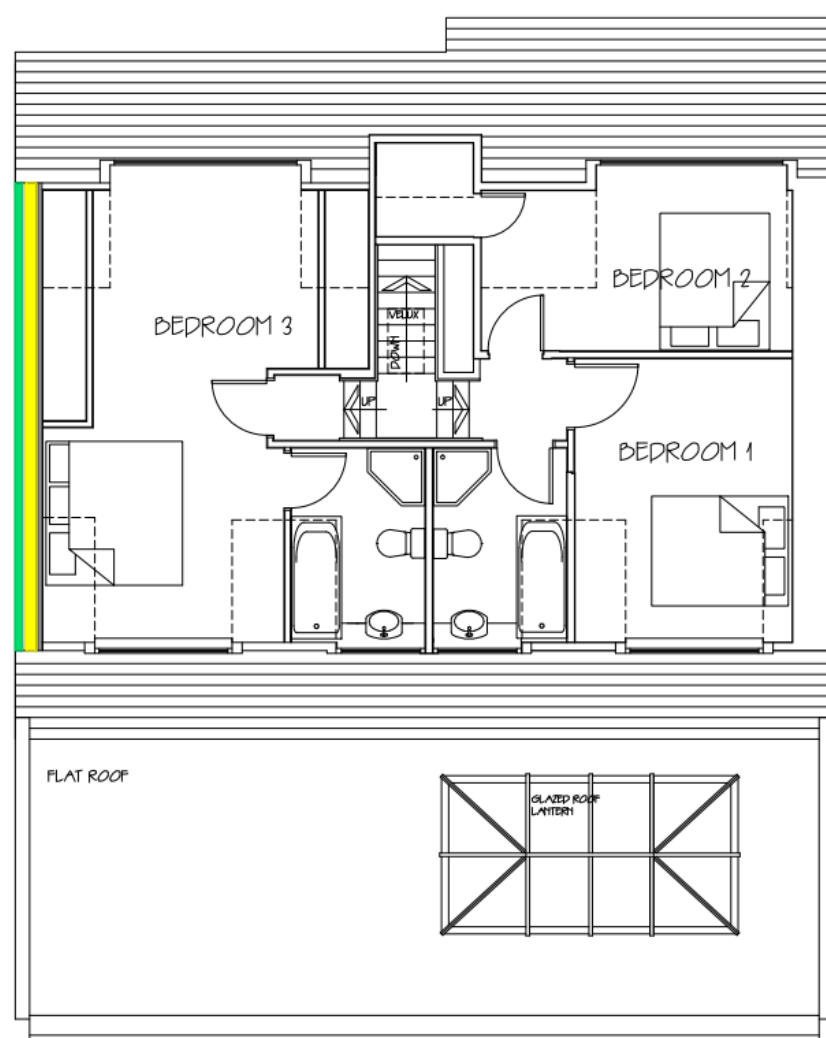


Site History: 171217/DPP – approved (2)

Nov 2017 – Application 171217/DPP - Permission granted for “Erection of 1.5 storey gable extension , formation of dormers to front and rear, single storey extension and decking to rear”

FIRST FLOOR (APPROVED)

Note no access to flat roof and no external terrace/balcony area at first floor level



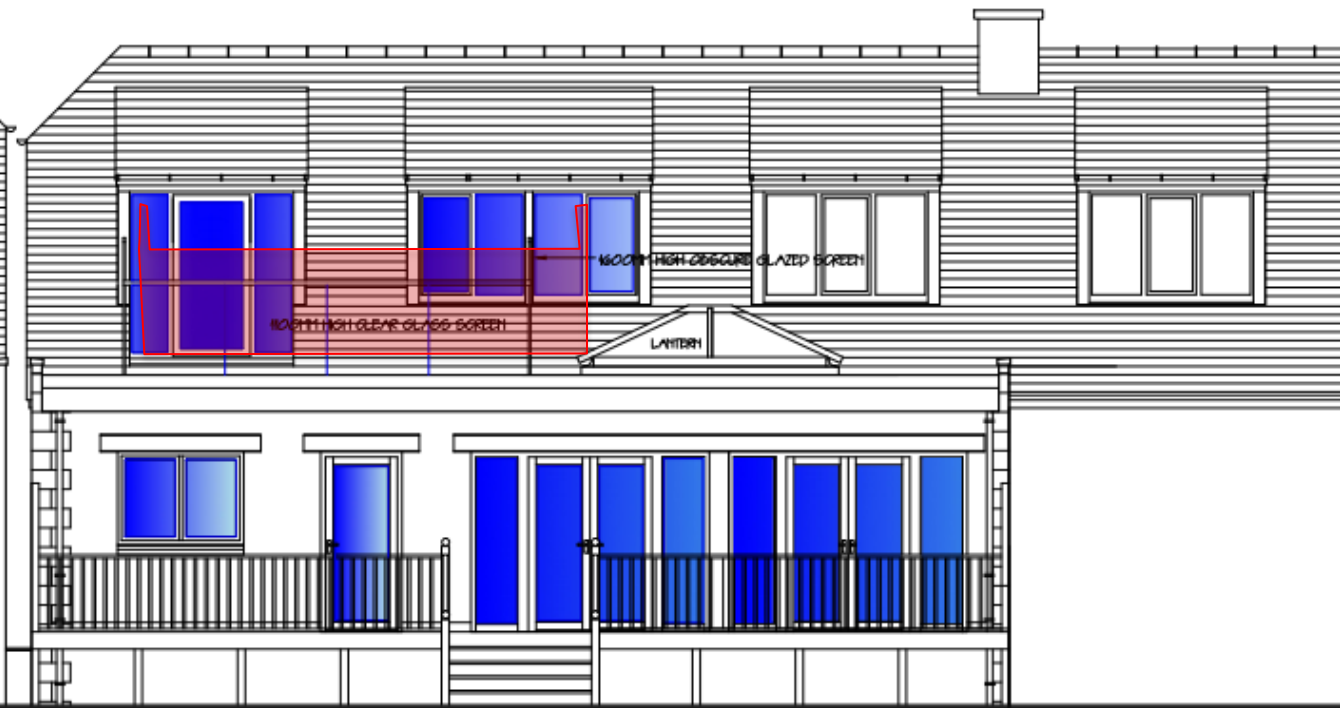
Site History: 182081/DPP– withdrawn (1)

Application 182081/DPP - for *“Erection of 1.5 storey gable extension , formation of dormers to front and rear, single storey extension and decking to rear”* – App withdrawn Jan 2019

REAR ELEVATION (WITHDRAWN)

- Note cill level of left hand dormer window now dropped to allow level access onto roof, with terrace enclosed by clear glass balustrade
- Note right-hand dormer remains as per approval

Page 126

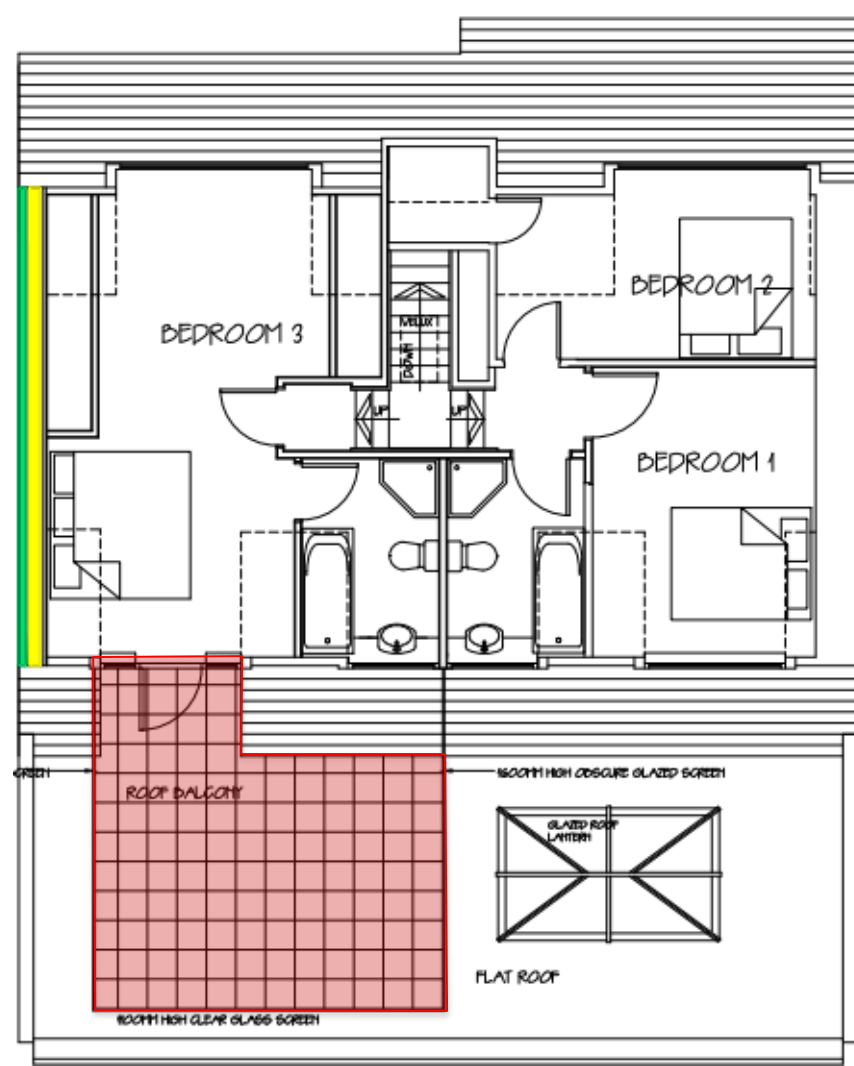


Site History: 182081/DPP– withdrawn (2)

Application 182081/DPP - for *“Erection of 1.5 storey gable extension , formation of dormers to front and rear, single storey extension and decking to rear”* – App withdrawn Jan 2019

FIRST FLOOR (WITHDRAWN)

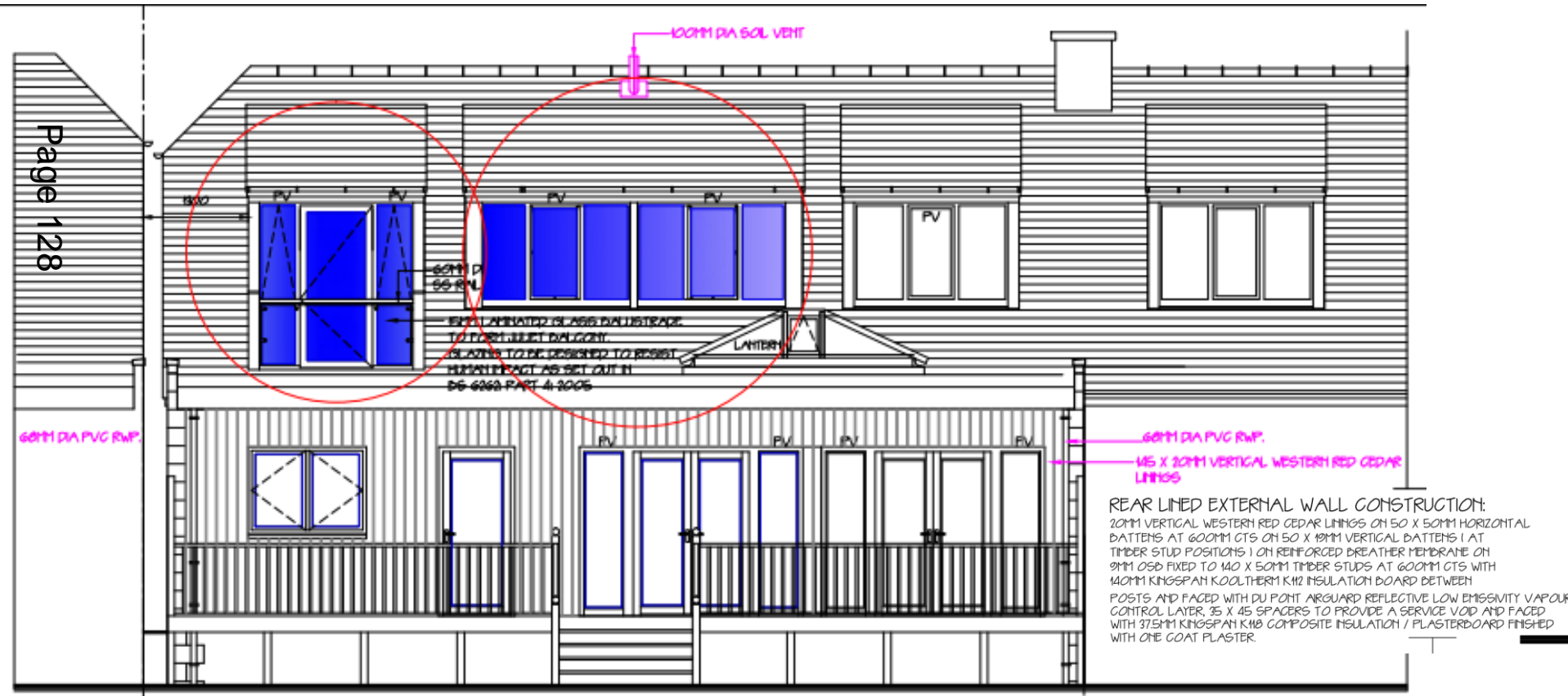
Page 127
Note cill level of dormer dropped to allow for formation of new glazed door onto flat roof, with formation of a terrace enclosed by a clear glazed balustrade



Rear (SE) elevation (as proposed/as built)

REAR ELEVATION (PROPOSED/AS BUILT)

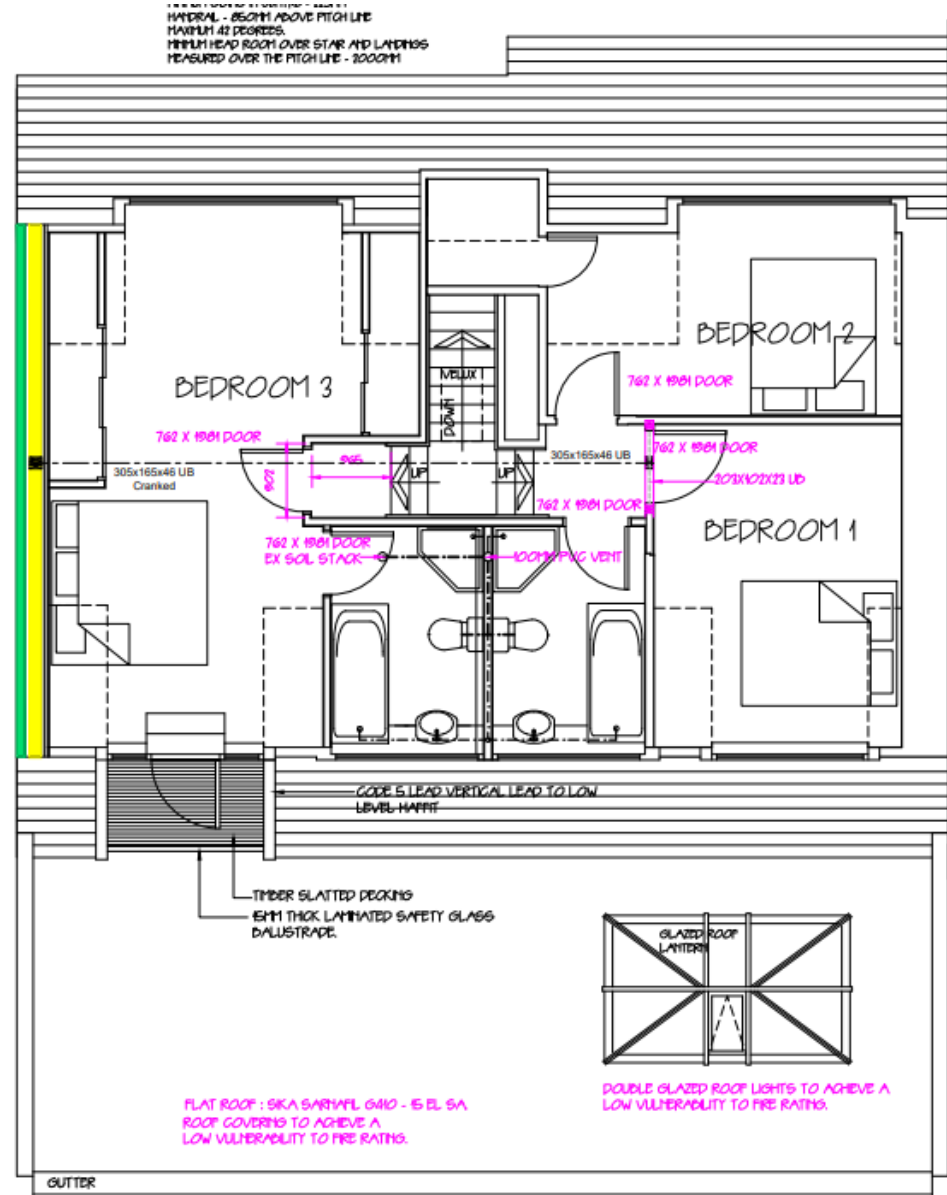
- Note cill level of left hand dormer window now dropped to allow formation of glazed door.
- Note width of right-hand dormer now increased from approved scheme and spacing between rear dormers reduced as a result



Rear (SE) elevation (as proposed/as built)

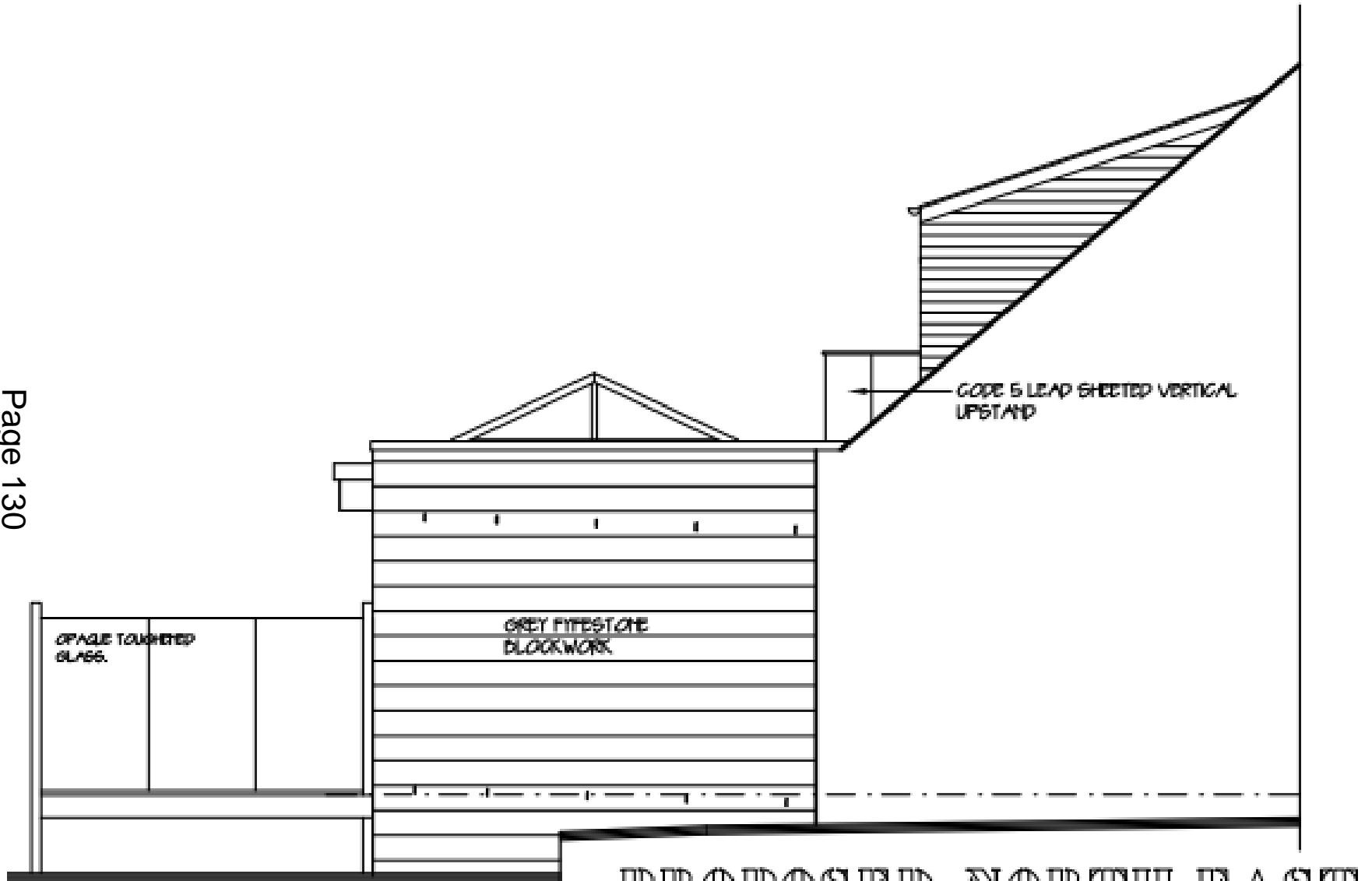
FIRST FLOOR (PROPOSED/AS BUILT)

- Note inclusion of glazed door and balcony with small section of glass balustrade – larger area of terrace no longer shown on flat roof.



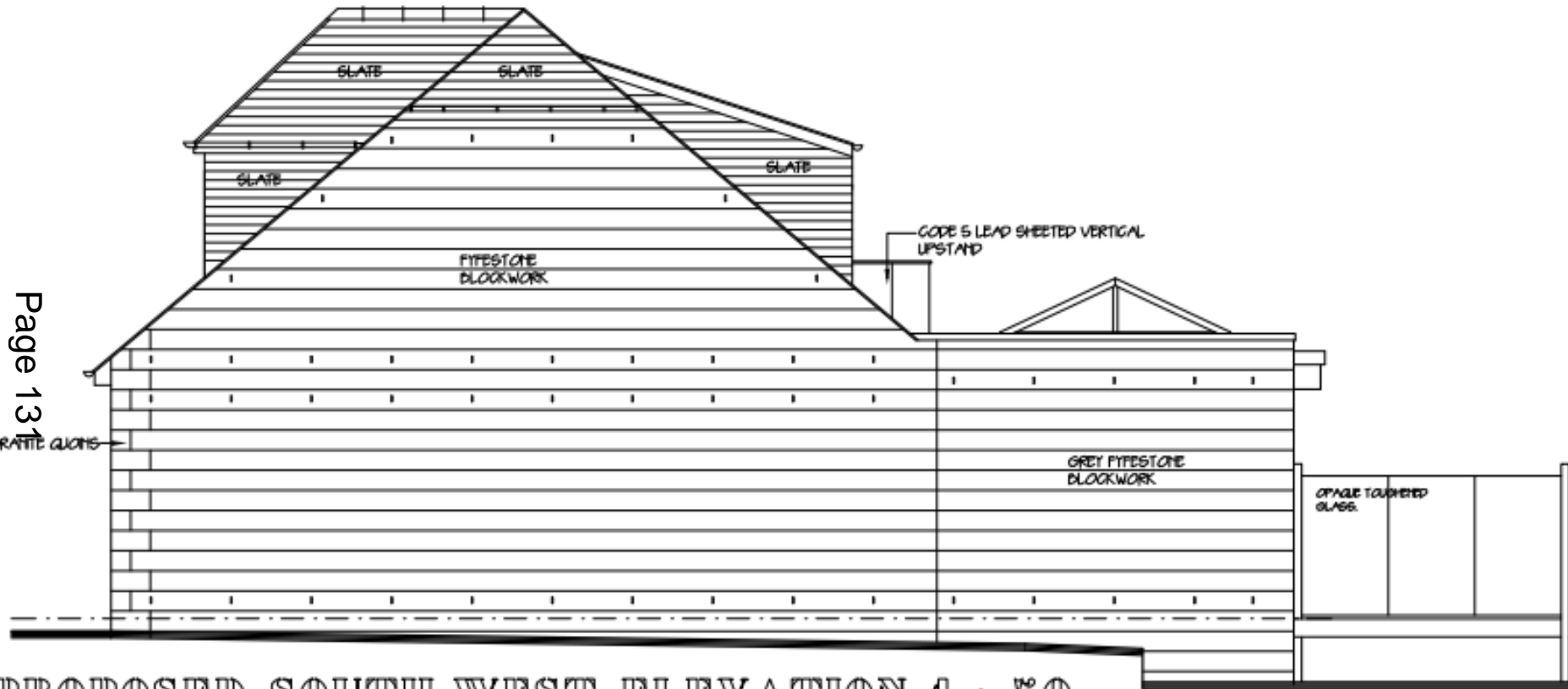
Side Elevation (as proposed/as built)

Page 130



PROPOSED NORTH-EAST
ELEVATION 1 : 50

Side Elevation (as proposed/as built)



Page 13

PROPOSED SOUTH-WEST ELEVATION 1 : 50

Reasons for Decision

- Dormers of inappropriate scale and design, appearing particularly dominant on the roof slope, and failing to address the requirements of the Council's Supplementary Guidance on Householder Development, which states that new dormers or roof extensions should respect the scale of the building and not dominate, overwhelm or unbalance the original roof.
- Introduction of direct access via glazed door onto a 1st floor level balcony, in conjunction with the enlarging of dormer window and increase in glazing to the rear face of the building, raises concerns regarding the potential for overlooking and impact on privacy and residential amenity.
- Proposal considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and to the Council's Supplementary Guidance on Householder Development.
- No material planning considerations which would warrant approval of planning permission in this instance.

Policy H1 (Residential Areas)

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance? (*in this case Householder Development Guide*)

Householder Development Guidance

- General Principles –
 - Should be '**architecturally compatible in design and scale with the original house and its surrounding area**'.
 - Should not '**dominate or overwhelm**' the original house and should '**remain visually subservient**'.
 - Should not result in adverse impact on '**privacy, daylight, amenity**'

Footprint of dwelling as extended should not exceed **twice that of original house**

- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)
- Approvals pre-dating the guidance (2017) do not represent a '**precedent**'

Householder Development Guidance

Dormer Windows – General Principles

- New dormers should respect scale of the building and should not dominate, overwhelm or unbalance the original roof;
- On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;

Householder Development Guidance

Dormer Windows –

- Dormers should not appear to dominate original roof
- Dormer should not be built directly off the wallhead
- Small apron below windows may be acceptable on rear elevations (no more than 300mm)
- Roof of dormer should not extent to or beyond the ridge of the original roof
- Flat roofed dormers should generally be a min of 600mm below existing roof ridge
- Dormers should be a min of 600mm in from the gable
- Outermost windows should be positioned at the extremities of dormers
- Should be more glazing than solid on the face of any dormer
- Finishes should match those of original building and wherever possible window proportion and arrangement should echo those on the floor below; and
- Design and scale of any new dormer should take account of design and scale of existing dormers

Decking –

- Proposals should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Does it accord with the principles set out for dormer windows and decking/terraces in the 'Householder Development Guide'? Appointed officer's reasons for refusal highlight scale of dormers and potential impact on neighbours' privacy.

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Are there any material considerations that outweigh the Development Plan in this instance?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)



Strategic Place Planning

Report of Handling

Site Address:	39 Craigton Terrace, Mannofield, Aberdeen, AB15 7RN
Application Description:	Formation of dormers and balcony with deck area to rear (retrospective)
Application Ref:	191756/DPP
Application Type:	Detailed Planning Permission
Application Date:	5 December 2019
Applicant:	Mr Timothy Webb
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside And Mannofield
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site lies on the south side of Craigton Terrace and relates to a 1½ storey semi-detached dwelling house in pink and grey granite, with integral garage and partially hipped roof. To the rear a single storey, flat roofed extension projects 4 metres from the original rear building line, with a raised terrace projecting a further 3 metres beyond this. There are three hipped, pitched dormers to the principal elevation, whilst to the rear there are three cat-slide dormers. Two of the three rear dormers formed part of an earlier development proposal which was granted consent in November 2017 (Application Ref 171217/DPP), but have not been constructed in accordance with the approved plans. The site extends to 395m² with the rear garden fully enclosed on all boundaries by 1.8m high timber fencing.

Relevant Planning History

Application Number	Proposal	Decision Date
171217/DPP	Erection of 1.5 storey gable extension, formation of dormers to front and rear, single storey extension and decking to rear.	28.11.2017 Status: Approved Conditionally
182081/DPP	Formation of 2nd storey extension to side, formation of dormer to front and formation of two dormers, erection of single storey extension with roofed terrace above and raised deck area to rear	Status: Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought, retrospectively, for the formation of two dormers with cat-slide roof detail, to the rear of the property. One dormer lies centrally within the roofslope, whilst the other is located towards the outer (south-west) edge of the roofslope. The centrally positioned dormer extension, which serves two en-suite bathrooms, measures 4 metres wide x 1.25 metres high, and incorporates 6 clear glazed windows across its full width. The outermost dormer measures 2 metres wide x 2 metres high, and incorporates full height glazed panels either side of a centrally positioned fully glazed door. The glazed door fitted within this dormer opens onto the flat roof of the single storey rear extension, with the current proposal including the formation of a timber slatted decked balcony area on the roof, measuring 2m x 1m, which would be enclosed by means of a 800mm high glass balustrade. Finishing materials for the dormers include white UPVC framed windows and slates to match existing.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q1DOXABZLE900>

CONSULTATIONS

Braeside And Mannofield Community Council – No comments

REPRESENTATIONS

5 letters of representation have been received objecting to the proposal. The matters raised can be summarised as follows:

1. The as-built structure is markedly different to what was approved;
2. If approved, the roof terrace/balcony would impact on existing privacy with overlooking of neighbouring gardens;
3. There is the potential to extend the area of roof terrace/balcony in the future with relative ease;
4. The rear dormer which serves two bathrooms is considerably larger than what was approved (increased by over 30%) and includes clear glass which introduces overlooking and affects privacy;
5. If approved, this establishes an undesirable precedent for future development along this street;
6. Design of the development is out of character with that of the surrounding area;
7. Access to clean the roof window is possible by ladder, with no need for access via a door;
8. Noise and nuisance will likely be an issue with increased and elevated access to the roof.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of

climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

Policy D1 (Quality Placemaking by Design)

Policy H1 (Residential Areas)

Supplementary Guidance and Technical Advice Notes

Householder Development Guide

EVALUATION

Principle of Development

The application site is located within an area zoned under Policy H1 (Residential Areas) of the Aberdeen City Local Development Plan. The proposal, which is retrospective, includes two rear dormer extensions, one of which proposes access onto a newly formed balcony area. It relates to householder development, and is deemed acceptable in principle provided it does not constitute over-development; does not adversely affect the character and amenity of the surrounding area; and is compliant with the Council's Supplementary Guidance 'Householder Development Guide'. These issues are fully evaluated below.

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Proposed Scale and Design of Development

The Council's Householder Development Guide sets out guidance relating to the formation of dormers for domestic properties and seeks to encourage proposals which respect the scale of the building and that do not dominate, overwhelm or unbalance the original roof.

In this instance the proposal, which is retrospective in nature, results in the introduction of two sizable dormer extensions to the rear roof slope of this previously extended property, resulting in a total of three dormer extensions to the same elevation. Whilst acknowledging that planning permission was previously granted for two additional dormers on this roof-space, those approved were more modest in scale. The central dormer as installed measures 4 metres wide, including 6 panes of glazing on the face of the dormer, which measures 1.3 metres. This compares to the scale of the approved dormer which measured 2.6 metres wide, with the same 1.3 metre depth. The second dormer which lies adjacent to the gable end of the property has seen the 2 metre width retained as per the existing approval, but with an increase in the height of the dormer face, from 1.3 metres to 2 metres, with this change allowing for the introduction of a fully glazed door with glazed side panels. The current proposal has resulted in a considerable increase in dormer development to the rear roof slope, with the three dormers now very much dominating the roofspace and the scale

of development appearing particularly overcrowded in the context of the dwelling, and incompatible in terms of scale and design with the character of the dwellinghouse and those within the surrounding area.

The proposed development is therefore not considered to be suitably compliant with the guidance contained in the Householder Development Guidance, nor does it address the requirements of Policy D1 (Quality Placemaking by Design) of the ALDP, which seeks to support good design and detail, thereby contributing to the attractiveness of the built environment.

Impact of Development on Residential Amenity

Development proposals relating to residential development are required to suitably address the relevant principles contained within the Householder Development Guide. This includes in relation to extensions or alterations, which should not result in a situation where the amenity of any neighbouring property is adversely affected, with any significant adverse impact on privacy, daylight and general amenity counting against a development proposal. In addition to this, Policy H1 (Residential Areas) of the ALDP requires that existing residential amenity is suitably retained.

In this instance the proposal relates to the introduction of two dormers, of a substantial scale, to the rear roof slope of a semi-detached property, resulting in a total width of glazing of some 8 metres, across an overall roof width of just 11.5 metres. One of the two dormers proposed has been increased in height, from the previously approved 1.3 metres to 2 metres, and seen the introduction of a glass door and glazed panels; whilst the remaining dormer which is centrally positioned on the roof, and serves two en-suite bathrooms, has seen an increase in width to 4 metres, from the previously approved 2.6 metre width, all of which is glazed in clear glass. The overall impact of all three fully glazed dormers on this roofspace, is undeniably one of dominance, but also of additional overlooking, when viewed from the properties and associated garden ground which lie to the rear of the application site, and all at a lower ground level. Whilst accepting that the previous approval included three fully glazed dormers to the same rear roof slope, the increased scale of this proposal, with the glazing associated to that, and the general overbearing nature of what has been delivered, has quite a significant adverse impact on existing amenity.

The proposed full height dormer includes a glazed door, set between two fully glazed vertical panels, which currently provides access onto the roof of the rear extension. The proposal includes a balcony with timber slatted decking floor, which would be formed within a section of the flat roof, and enclosed by means of a clear glazed balustrade to a height of 800mm. The balcony would extend to an area of 2m², and whilst not extensive in size, could nevertheless be used as an external seating area. The balcony would occupy an elevated position with an open outlook across a number of neighbouring gardens and private amenity space, and would also, unquestionably, provide ease of access onto the wider area of flat roof, from where neighbouring upper floor windows are within close proximity and in direct line of sight.

It is considered that the current proposal, which allows access directly from a 1st floor bedroom onto the flat roof, is unacceptable, given the adverse impact which this could have on the existing amenity of neighbouring properties, including from increased noise and direct overlooking of private garden ground, and this includes the potential for such impact to be considerably aggravated, should the wider roof area be utilised at any time in the future. When this issue is taken into account, along with the concerns raised above in relation to the excessive scale of both dormers as built, it is apparent that a reduction in depth of glazing to the previously approved 1.3 metres would be the only appropriate solution for a dormer extension in this location. Whilst accepting that the central dormer could be installed with opaque glazing, and a condition applied to this effect, thus reducing to some degree the expanse of overlooking from these windows, this in itself would not address the overall dominant appearance which the dormer extensions have on the roof slope.

Taking all of the above into account, it is considered that the proposed development would have a

negative impact on privacy and general overlooking, with existing residential amenity adversely affected. As such the proposal would fail to address the expectations of the Council's Supplementary Guidance on Householder Development and would be contrary to the aims of policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP.

Matters Raised in the Letters of Representation

The above evaluation has addressed all issues raised in the letters of representation, with the exception of the following matters:

6. *If approved, this establishes an undesirable precedent for future development along this street.*
Each planning application is determined on its own merits.
7. *Access to clean the roof window is possible by ladder, with no need for access via a door.* This is not a material planning consideration in the determination of this application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed dormer extensions are deemed to be of an inappropriate scale and design, appearing particularly dominant on the roof slope, and failing to address the requirements of the Council's Supplementary Guidance on Householder Development, which states that new dormers or roof extensions should respect the scale of the building and not dominate, overwhelm or unbalance the original roof. Notwithstanding that the significant area of clear glazing which has been fitted and incorporated within the dormer design results in an uncomfortable level of overlooking from within the property, and this in itself could only be partially addressed through the introduction of opaque glazing to the bathroom accommodation, the proposal also includes the introduction of direct access, via a bedroom dormer extension incorporating a fully glazed door and glazed panels, onto a 1st floor level balcony. The balcony would be formed on the roof of the rear extension, with such development raising concerns regarding the resulting potential for overlooking and impact on privacy and residential amenity. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and to the Council's Supplementary Guidance on Householder Development. There are no material planning considerations which would warrant approval of planning permission in this instance.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100206672-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Enlarge Rear Bathroom Dormer to reduce roof intrusion over proposed bath positions. Formation of Juliet balcony from rear bedroom. Change rear extension external wall finish from K rendered block to vertical Western Red Cedar.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

28/10/2019

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Applicant did not realise that the reconfiguration of the dormers required planning consent.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Derek L Young		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Young	Building Number:	32
Telephone Number: *	01224 647358	Address 1 (Street): *	Meikle Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6WN
Email Address: *	derek-young@btconnect.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Timothy	Building Number:	39
Last Name: *	Webb	Address 1 (Street): *	Craigton Terrace
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 7RN
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

39 CRAIGTON TERRACE

Address 2:

MANNOFIELD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 7RN

Please identify/describe the location of the site or sites

Northing

804234

Easting

391365

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Apply for planning

Title:

Mr

Other title:

First Name:

Gary

Last Name:

Nibloe

Correspondence Reference
Number:

Date (dd/mm/yyyy):

15/11/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Derek Young

On behalf of: Mr Timothy Webb

Date: 22/11/2019

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Derek Young

Declaration Date: 22/11/2019

Payment Details

Cheque: Tim Webb, 000000

Created: 22/11/2019 15:52

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Derek L Young
32 Meikle Gardens
Westhill
Aberdeenshire
AB32 6WN

on behalf of **Mr Timothy Webb**

With reference to your application validly received on 5 December 2019 for the following development:-

**Formation of dormers and balcony with deck area to rear (retrospective)
at 39 Craighton Terrace, Mannofield**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
950-03BW REV B	Proposed Sections
950-06 REV A	Location Plan
950-04BW REV B	Proposed Elevations & Floor Plans

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

The proposed dormer extensions are deemed to be of an inappropriate scale and design, appearing particularly dominant on the roof slope, and failing to address the requirements of the Council's Supplementary Guidance on Householder Development, which states that new dormers or roof extensions should respect the scale of the building and not dominate, overwhelm or unbalance the original roof.

Notwithstanding that the significant area of clear glazing which has been fitted and incorporated within the dormer design results in an uncomfortable level of overlooking from within the property, and this in itself could only be partially addressed through the introduction of opaque glazing to the bathroom accommodation, the proposal also includes the introduction of direct access, via a bedroom dormer extension incorporating a fully glazed door and glazed panels, onto a 1st floor level balcony. The balcony would be formed on the roof of the rear extension, with such development raising concerns regarding the resulting potential for overlooking and impact on privacy and residential amenity. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and to the Council's Supplementary Guidance on Householder Development. There are no material planning considerations which would warrant approval of planning permission in this instance.

Date of Signing 31 January 2020

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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From: [REDACTED]
To: [PI](#)
Subject: Objection - 191756/DPP
Date: 04 January 2020 15:52:41

Dear Sir/Madam,

I strongly object to the external design proposals for the planning application 191756/DPP at 39 Craighton Terrace Mannofield Aberdeen AB15 7RN.

The applicant has already largely constructed the development in contravention with his original planning permission.

There are vast swathes of glass in the form of dormer windows across the whole of the rear of the property. This does not fit in with the existing architectural development in the area. Furthermore none of the bathroom windows have privacy glass in them which risks exposure across several gardens and properties on Craighton Terrace and Gordon Road.

The balcony (with door opening outwards) and roof decking area are both totally inappropriate and unnecessary. Inappropriate because of the risk of function creep and ease of future extension of the decking area. Unnecessary because the door does not need to open outwards. Furthermore, access to the roof to maintain/clean the roof window could easily be done from a ladder and therefore the balcony door is not needed and the motive for its inclusion is suspect.

The development clashes with the existing amenity of the area, will cause invasion of privacy due to the significant and intrusive nature of the opportunities for overlooking other properties and gardens from the overly large and numerous dormer windows, balcony door and roof decking. Furthermore, noise and nuisance could well be an issue with this increased and elevated access to the roof and garden.

Yours sincerely

Peter Marx

Co-Owner and Landlord at 50 Gordon Road, AB15 7RL

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Comments for Planning Application 191756/DPP

Application Summary

Application Number: 191756/DPP

Address: 39 Craigton Terrace Mannofield Aberdeen AB15 7RN

Proposal: Formation of dormers and balcony with deck area to rear (retrospective)

Case Officer: Jane Forbes

Customer Details

Name: Dr Eric Naylor

Address: 46 Gordon Road Mannofield Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are two concerns with the current application; firstly, access to and use of the single storey rear extension roof and secondly the scale of the rear dormer extensions. In relation to both of these, building work has already taken place which ignores the approved plan and decisions taken following a previous public consultation. This retrospective application simply seeks ratification of a "fait accompli".

The proposed rear extension roof balcony has an outward opening door onto a timber slatted deck large enough to permit seating and leisure use. What is the purpose of this access door, balcony and deck? Given the height of the roof balcony and the slope of the land to the south, any use of this roof area allows views over rear gardens in both Craigton Terrace and Gordon Road, resulting in a severe loss of privacy.

The size of the central rear dormer has been extended by adding two further windows to the four already approved, creating a virtually continuous window together with an opening door along the whole of the extension. This is visually intrusive, is of a design and scale not in keeping with similar rear extensions in the area and will result in a loss of amenity and privacy for neighbouring properties.

Approval of the retrospective(amended) proposal would create a precedent for future developments and the possible alteration of existing extensions. How far can an agent continue to submit plan amendments/revisions and retrospective proposals to cover work already undertaken in contravention of an existing approved plan?

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Comments for Planning Application 191756/DPP

Application Summary

Application Number: 191756/DPP

Address: 39 Craigton Terrace Mannofield Aberdeen AB15 7RN

Proposal: Formation of dormers and balcony with deck area to rear (retrospective)

Case Officer: Jane Forbes

Customer Details

Name: Mr Paul Rankin

Address: 35 Craigton Terrace Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the inclusion of the roof terrace/balcony due to the invasion of privacy to neighbouring gardens that will result. The roof terrace/balcony seems completely inappropriate for a semi-detached property on a relatively narrow plot width with such close lateral proximity to neighbouring properties, furthermore the privacy impact on 44, 46 & 48 Gordon Road will be significant.

Planning application 182081/DPP included a dormer adjustment with door access to a roof terrace/balcony additional to the initial approved planning application 171217/DPP, planning application 182081/DPP resulted in five objections from neighbours based around invasion of privacy to neighbours on Craigton Terrace and Gordon Road, the planning application was subsequently withdrawn however the construction of this arrangement proceeded. Retrospective planning application 191756/DPP has admittedly scaled back the roof terrace/balcony arrangement however the terrace/balcony could be extended in future with relative ease, which would then converge towards the intent of the 182081/DPP withdrawn scheme.

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Comments for Planning Application 191756/DPP

Application Summary

Application Number: 191756/DPP

Address: 39 Craigton Terrace Mannofield Aberdeen AB15 7RN

Proposal: Formation of dormers and balcony with deck area to rear (retrospective)

Case Officer: Jane Forbes

Customer Details

Name: Mr JOHN FLOOD

Address: 48 GORDON RD MANNOFIELD ABERDEEN

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The as-built structure varies markedly from the approved drawing. The bathroom dormer windows are considerably larger than the plan and appear to be glazed with clear glass. There is a decked and balustraded balcony at first floor level with a large patio type door which opens outwards onto a flat roof. Owing to the height of this balcony coupled with the sloping ground this will command a view into several gardens and has the potential to compromise the privacy of neighbours.

The rear elevation is out of character in this area and the large full height glazed patio door and side panels would set a precedent.

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Hello Mark Masson.

In reply to your letter of 9th April, please find my comments regarding the appeal statement from the agent.

1. The dormers are substantially larger than any surrounding and contribute to the overall appearance of the rear elevation which is a large expanse of glass.
2. See above.
3. The rear elevation is certainly visible from the surrounding gardens of both Gordon Rd and Craigton Terrace.
4. No comment
5. The film appears to be semi-transparent.
6. The flat roof appeared during construction to comprise substantial joists capable of supporting high loading.
7. In no way can this 3m square area be described as a 'Juliette Balcony'.
8. I disagree with this claim.
9. I disagree.
10. No comment
11. The falling level helps to increase the area overlooked by this patio door and balcony area.

In my haste to submit comments before the deadline, I omitted an important point. What I meant to add to my comments of yesterday but forgot to do was that the whole process appears to be a deliberate flouting of the planning regulations. If everyone did this, where would we be?

John Flood
48 Gordon Road

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Comments for Planning Application 191756/DPP

Application Summary

Application Number: 191756/DPP

Address: 39 Craigton Terrace Mannofield Aberdeen AB15 7RN

Proposal: Formation of dormers and balcony with deck area to rear (retrospective)

Case Officer: Jane Forbes

Customer Details

Name: Mrs Yvonne Brechin

Address: 37 Craigton Terrace Mannofield Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the retrospective planning application number 191756/DPP, as there are major changes to the rear elevation as per original plans 171217/DPP which were approved.

One of the dormer windows overlooking our rear garden is now six panes, when approved plans state 4, increasing the original area by over 30%. There are now French doors and plans for a balcony (which had been subject to a separate application, 182081/DPP, but was withdrawn after objections had been made by neighbours), all told this is detrimental to our privacy.

Originally when fitted I was informed by the planning applicant this was only for a Juliet balcony and the doors would only open out a small way, however I told them that it was still not as per our notified plans and in our opinion not acceptable. But it has now changed to a decking area, and this would easily be circumvented to have further access to any place on the flat roof.

It should be taken into consideration that on all similar extensions in the street none have access doors leading onto flat roofs. And if approved sets a precedence for retrospective and future builds.

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Hi Mark,

I have copied the points in Mr Young's letter and pasted below, and have responded to each point in turn.

I hope this is acceptable?

Thank you.
Yvonne

Brechin

01. The house is set in a residential part of the city and surrounded with properties of a similar size and design. The surrounding houses have in the whole been altered and

extended at some stage from the point of their original construction. The basic design

of all the surrounding properties is one and a half story with dormer windows both front and rear. Most houses have seen alterations to the upper floors meaning

construction or extensions to the existing dormers on both facades. We have attached

photographs of adjacent properties highlighting the inconsistency of dormer design all

approved at some point by the planners.

No other properties have as many windows/glass in ratio to roof size.

How many of these other extensions built completely different from approved plans then needed retrospective planning?

02. Our proposals have tried to maintain a consistent dormer design with the existing and neighbouring property staying sympathetic with the surroundings ..

We do not believe that the scale of the dormers are sympathetic to the surroundings, nor with the design in keeping in style of an extended WAS 4/2

03. The dormers and Juliet balcony are on the rear of the house and cannot be seen from Craigton Terrace nor Gordon Road. The dormers facing onto Craigton Terrace match the current status quo

We are not disputing the front elevation.

Regarding the rear elevation our dispute is not in regard to being able to see it from Gordon Rd, although like all properties it can.



04. The redesign of the original proposed bathroom dormer to that approved resulted in a severely reduced workable floor area. The resultant ly-ins meant that there was limited access to the baths, no headroom over the baths, and no room to stand up in

the bath to shower. The increase in the as built dormer length now provides full head height over what is a small room, easy access to get into the bath and ability to use the bath as a shower. The size of both bathrooms have not increased only the usable headroom has. The dormer formed is now 1200mm wider than that originally proposed. The extra length in dormer size is created by the addition of a 600mm wide window in both bathrooms replacing the internally-ins. Instead of four windows there is now six.

Regardless the original plans were not thought through with regards to head height does not allow for changes to be done outwith planning approval.

Resulting in 30% more window area

05. The glass on all bathroom windows have been treated with obscure film.

Hopefully as with all bathroom windows this would go without saying, and that the design of the obscure film is two way

06. The flat roof construction over the new family room has not been designed to take

any super imposed loads apart from the required snow loadings. The roof covering is a single ply plastic membrane over a 150mm soft insulation. This form of construction is susceptible to puncture if walked on therefore the flat roof cannot be used as a balcony. It should also be noted that any structural steel that would have been required for securing safety balustrades was not installed. Safety balustrades cannot therefore be fitted now or in the future. Without balustrades the flat roof is dangerous to walk on apart from occasional roof maintenance

During the build process, even quite recently, we have witnessed several times up to 3 people standing either together in a group, or 2 individuals working up together on the roof.

Regardless of the lack of a safety balustrade the flat roof could be used as a balcony.

The additional plans (182081/DPP), withdrawn after objections, for the roof terrace show that the area would have allowed for more weight than just snow loading.

07. The door onto the flat roof allows standing room for one person only as there is a proposed glass balustrade directly in front of the open door forming a Juliet balcony,

The retrospective plans for the “balcony” show an area estimated at 3m² which allows for seating, and standing room for more than one person.

The design of the balcony does not conform to the definition of a Juliet balcony as per advice from the council.

08. There is little or no increase in visibility from the inside of the door/window to the outside of the door/window. Any overlooking into neighbours gardens or windows is not fundamentally increased. So be it a window or door the line of sight does not change having no impact on neighbour privacy.

There is a complete change of use from a window, which someone may occasionally look through, to a balcony area designed for leisure.

The glass balustrade shown on the retrospective plans is in line with the lower roof allowing room for a persons to move forward more than from a window in the same line.

Yvonne Brechin
37 Craigton Terrace

National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

Supplementary Guidance

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Other Material Considerations

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100146558-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Derek L Young		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Young	Building Number:	32
Telephone Number: *	01224 647358	Address 1 (Street): *	Meikle Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6WN
Email Address: *	derek-young@btconnect.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Tim"/>	Building Number:	<input type="text" value="39"/>
Last Name: *	<input type="text" value="Webb"/>	Address 1 (Street): *	<input type="text" value="Craigton Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 7RN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="39 CRAIGTON TERRACE"/>
Address 2:	<input type="text" value="MANNOFIELD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 7RN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804234"/>	Easting	<input type="text" value="391365"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of Juliet Balcony and enlarged Bathroom Dormer

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached sheet

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting Statement Photographs of surrounding dormers Site photographs

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

191756/DPP

What date was the application submitted to the planning authority? *

05/12/2019

What date was the decision issued by the planning authority? *

31/01/2020

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

N/A

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

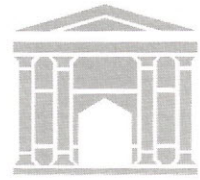
Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Derek Young

Declaration Date: 07/04/2020

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DEREK L. YOUNG

**C H A R T E R E D
A R C H I T E C T**

32 MEIKLE GARDENS
WESTHILL AB32 6WN
Tel: 01224 467358
Fax: 01224 467358
Email: derek-young@
btconnect.com

Subject:
39 Craighton Terrace
Aberdeen
AB15 7RN

Local Revue Body Statement

01. The house is set in a residential part of the city and surrounded with properties of a similar size and design. The surrounding houses have in the whole been altered and extended at some stage from the point of their original construction. The basic design of all the surrounding properties is one and a half story with dormer windows both front and rear. Most houses have seen alterations to the upper floors meaning construction or extensions to the existing dormers on both facades. We have attached photographs of adjacent properties highlighting the inconsistency of dormer design all approved at some point by the planners.

02. Our proposals have tried to maintain a consistent dormer design with the existing and neighbouring property staying sympathetic with the surroundings..

03. The dormers and Juliet balcony are on the rear of the house and cannot be seen from Craighton Terrace nor Gordon Road. The dormers facing onto Craighton Terrace match the current status quo.

04. The redesign of the original proposed bathroom dormer to that approved resulted in a severely reduced workable floor area. The resultant ly-ins meant that there was limited access to the baths, no headroom over the baths, and no room to stand up in the bath to shower. The increase in the as built dormer length now provides full head height over what is a small room, easy access to get into the bath and ability to use the bath as a shower. The size of both bathrooms have not increased only the usable headroom has. The dormer formed is now 1200mm wider than that originally proposed. The extra length in dormer size is created by the addition of a 600mm wide window in both bathrooms replacing the internal ly-ins. Instead of four windows there is now six.

05. The glass on all bathroom windows have been treated with obscure film.

06. The flat roof construction over the new family room has not been designed to take any super imposed loads apart from the required snow loadings. The roof covering is a single ply plastic membrane over a 150mm soft insulation. This form of construction is susceptible to puncture if walked on therefore the flat roof cannot be

used as a balcony. It should also be noted that any structural steel that would have been required for securing safety balustrades was not installed. Safety balustrades cannot therefore be fitted now or in the future. Without balustrades the flat roof is dangerous to walk on apart from occasional roof maintenance

07. The door onto the flat roof allows standing room for one person only as there is a proposed glass balustrade directly in front of the open door forming a Juliet balcony,

08. There is little or no increase in visibility from the inside of the door/window to the outside of the door/window. Any overlooking into neighbours gardens or windows is not fundamentally increased. So be it a window or door the line of sight does not change having no impact on neighbour privacy.

09. The existing windows prior to the works gave exactly the same views as that now seen from the new dormer.

10. The majority of surrounding dormers are flat roofed. The rear dormers as constructed have a slated cat slide roof increasing the amount of slate visible from the opposite properties. This increases the slated area as suggested in the dormer design guide.

11. The ground level falls away to the rear of the property. This drop means that you are looking up towards the dormer which in turn is blocked by the family room extension reducing the size of visible dormer.

In conclusion the dormers are at the rear of the house, matching in design with those existing and are only visible from restricted view points. In fact the dormers cannot be seen from Gordon Road. The property is surrounded by many different dormer designs often taking up the entire roof in length and are totally unsympathetic with their surroundings. The flat roof extension is, due to its construction, incapable of supporting a balcony loading so cannot be used now or in the future as a balcony. The flat roof covering can be easily pierced and has no resistance to foot traffic either. There is no structure in place to support and fix protective handrails. This means that the flat roof is a dangerous place to be on due to the risk of falling and subsequently cannot be used as a balcony. The opening door does not provide an increase in overlooking visibility as compared to its remaining a window as there is no supportive structure beyond the door and the distance to the flat roof edge is only reduced by 500mm Many properties throughout the city are provided with guarded full height window/doors (Juliet balconies), why is this considered any different?

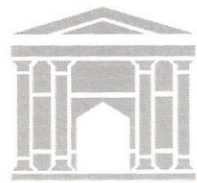
I have attached a PDF file showing photographs of dormer windows on surrounding houses. This shows that the dormers as built are comparable and not out with the scale and appearance of the area.

Photo attachments :

- 01 As built rear elevation from back garden showing dormer visibility
- 02 Existing Rear Elevation (Prior to works commencing)
- 03 View looking towards Gordon Road (01)
- 04 Rear dormer scale

- 05 View across to Gordon Road (02)
- 06 View down the rear of Craigton Terrace
- 07. Internal width of bathroom.

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DEREK L. YOUNG

**C H A R T E R E D
A R C H I T E C T**

32 MEIKLE GARDENS
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Tel: 01224 467358
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Email derek-young@
btconnect.com

Subject:
39 Craighton Terrace
Aberdeen
AB15 7RN

Local Revue Body - Reply to Neighbours Concerns

Summary

We have endeavoured below to address the objections as raised by the neighbours. We are sensitive to their concerns, however, it is clear that this has become an emotive issue, leading to incorrect and inaccurate objections being raised based on speculation and not fact. We trust that the review body will be cognisant of this and not take into consideration any unsubstantiated information or presumptions not based on evidence or fact.

01. It is suggested that there are no other surrounding properties with a high percentage of dormer glazing. The extension changes are minor and not extensive as suggested as there are only two extra windows added to give light and headroom in the original bathroom and ensuite. The attached photographs show properties at: 2 Craighton Avenue, 9 Viewfield Crescent, 60 Springfield Avenue, 62 Springfield Avenue, 33 Craighton Road and 9 Craighton Terrace. Each of these properties have extensive dormers with a high proportion of glazing with many directly facing onto the road. The dormer on my clients building face the rear gardens.

02. The design of the rear dormers reflects the original cat slide dormers unlike the surrounding flat roof dormers with vertical slate panels. They also line up with the window heads of those existing on both the neighbouring property and that existing. No ceilings as suggested have been raised. The ceiling heights in the new part of the house match that of the existing.

03. The rear of 39 Craighton Terrace is slightly visible at one point between two houses and over their garage. My client does not dispute that the rear of his property is visible from the back gardens of those properties on Gordon Road.

04. The approved plan shows a combined length of 6.38m glazing, as built measures 7.75m, an extension of 1.15m. This equates to a glazing increase of 15% not 30% as suggested.

05. The bathroom windows are treated with opaque film which obscures vision from both inside and outside they are therefore not semi-transparent. My client has expressed that he has no desire to see nor be seen whilst using the facilities.

06 The structure of the both pitched and flat roofs have been designed to comply with the current building standards. The structure has indeed been designed and certified by our structural engineer. The roof will safely take the load of workmen during the construction phase as it will take consideration of a high snow loading. However, the roofing material is a single ply pvc membrane over a 150mm soft polyurethane insulation sheet. This form of construction is not designed nor intended for foot traffic. It should be pointed out that the extension at number 41 Craigton terrace (Next door) is similar in size and appearance however it has been finished with a glass fibre sheet which can take foot traffic. My client understands that there were no objections to this extension and to date has not seen any persons on the that roof. We would reiterate that there is no support steel within the structure to facilitate any safety barriers rendering the roof an area of high risk. The finishing material combined with the lack of safety barriers precludes any use of the roof now or in the future.

07. The area of the Juliet balcony is 1m x 1.9m giving an area of 1.9sqm not 3sqm as suggested. The access door also opens out onto the balcony reducing the footprint by .75sq down to 1.15sq. The glass barrier is set approx 1m from the door opening so it would be impossible to place a table and chairs into the area. There is only room for one person to use the area. A chair would also be hazardous simply for the fact that it may puncture the roof covering.

NB. The door also gives SAFE access to the roof for cleaning of the large Glass roof lantern and upper windows rather than climbing a ladder propped on a raised wooden deck with the roof having an overhang and wide built in rain gully.

08. By definition, a Juliet balcony is a small balcony. Wikipedia defines a balcony as a very shallow area with a safety railing on an upper storey of a building. The area in question is shallow, it is protected by a safety barrier and is indeed on the first floor.

I trust that the above answers my client's neighbours' concerns.

Regards

Derek L Young.

Dormer examples locally

2, Craighton Avenue Aberdeen rear elevation (corner of Craighton Terrace)





33 Craigton Road rear elevation





9/11 Craigton Terrace rear elevation





9 Craighton Terrace rear Elevation



Craigton Terrace Rear Elevation

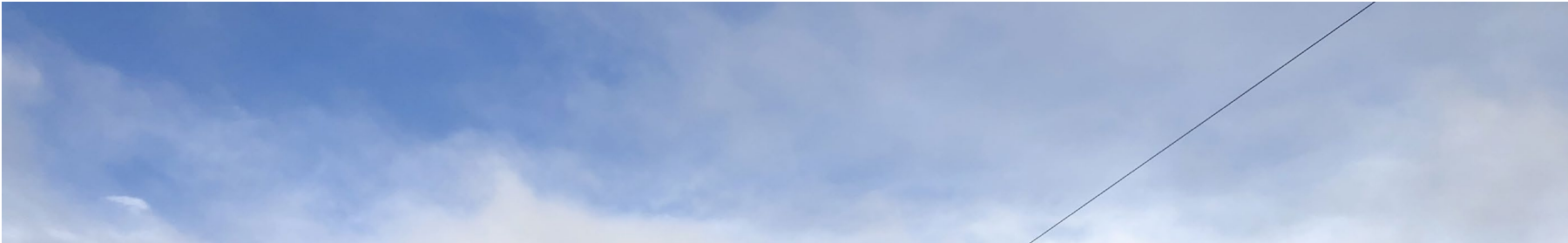


Craigton Terrace Rear Elevation





35 Gordon Road Rear Elevation





24 St Johns Terrace Rear Elevation





22 Craighton Terrace Rear Elevation





7 Craigton Avenue rear elevation





76 Springfield Road Front elevation





48 Viewfield Road Front elevation





9 Viewfield Crescent Front elevation



43 Springfield Avenue Front Elevation



54 Springfield Avenue Front Elevation





62 Springfield Avenue Front Elevation





60 Springfield Avenue Front Elevation





39 Craighton terrace Rear elevation





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